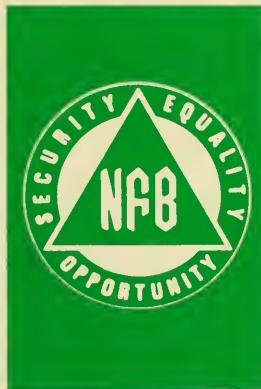


# Braille Monitor

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MARCH, 1985

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



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# THE BRAILLE MONITOR

PUBLICATION OF THE  
NATIONAL FEDERATION OF THE BLIND

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## THE BRAILLE MONITOR

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National Federation of the Blind  
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SPEAKING FOR THE BLIND—IT IS THE BLIND SPEAKING FOR THEMSELVES

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## OF SCHOLARSHIPS AND CORRECTIONS

by Kenneth Jernigan

I have heard it said that making mistakes is good for the soul. Maybe so, but I remain unconvinced. However, I am a great deal more certain of something else. When a mistake has been made (especially by a publication), it should be corrected—quickly, prominently, and unequivocally.

In the Monitor for January, 1985, we carried an article on scholarships. One sentence of that article reads: "National Federation of the Blind Merit Scholarships. Twenty of these scholarships (four in the amount of \$3,000; nine in the amount of \$2,500; and eight in the amount of \$500) will be given this year." The arithmetic is about as bad as some of the sentence structure I encounter, for nine plus four plus eight cannot be twenty. The sentence should have read: "National Federation of the Blind Merit Scholarships. Twenty-one of these scholarships (four in the amount of \$3,000; nine in the amount of \$2,500; and eight in the amount of \$500) will be given this year."

Then, there is another matter. We reported that the Melva T. Owen Scholarship would be \$1,500. This is incorrect. It will be \$1,800. Moreover, Mr. Owen advised me of this fact several months before we went to press, and I simply let it get away from me.

Finally, we are pleased to announce the recent addition of a scholarship to the National Federation of the Blind

Scholarship Program for 1985. The Robert Nelson Funk Memorial Scholarship has been endowed as a one-time-only scholarship by Mr. Robert C. Funk of Penfield, New York. Currently, this scholarship is endowed for \$750, but additional funds may be added at a later date. This scholarship will be awarded along with our other scholarships at the 1985 national convention banquet. Students at either the undergraduate or graduate level are eligible, as are students in all areas of academic study. All students who apply for the scholarships announced in the January Monitor will be considered for the Robert Nelson Funk Memorial Scholarship.

Robert Nelson Funk was a Sergeant in the U.S. Army Infantry at the time of his death October, 1969, in Vietnam. Mr. Funk grew up in the Rochester, New York, area and earned a bachelor's degree from the University of Rochester in June, 1967. He was twenty-four years old when he died. This scholarship in his memory has been conceived and endowed by his father, Robert C. Funk.

So these are the corrections, and this is the new scholarship. This means that we will be giving twenty-seven scholarships at the national convention this summer: one \$6,000 scholarship, four \$3,000 scholarships, twelve \$2,500 scholarships, one \$1,800 scholarship, one \$750 scholarship (perhaps higher), and eight \$500 scholarships.

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## HOW SHALL THE BLIND READ

The National Association to Promote the Use of Braille was established in 1984. It published the first edition of its newsletter late in the year and sounded the call for action. Here is the first article from the newsletter:

### **A CLEAR CHALLENGE AND THE WILL TO MEET IT**

In the Federation we always keep the promises we make—to our friends, to our opponents, and especially to ourselves. The National Association to Promote the Use of Braille (NAPUB) is the logical embodiment of our long-standing commitment to Braille. NAPUB is the vehicle for focusing Federation energies and commitment to see that Braille is taught and used by an ever expanding number of blind people.

We all know the problems. Because there is little Braille available, many blind people do not make the effort to learn it well. Because so many blind people do not use Braille, little Braille is produced. The momentum of this downward spiral has increased to such an extent that a whole generation

of blind people is in danger of becoming functionally illiterate.

We all know the solution to the problem. Through positive philosophy leading to concerted action, we can reverse the trend and retain the ability of the blind independently to use the written word. Simply put, the solution to our problem can be summed up in a name—the National Federation of the Blind.

All Federationists, whether they read Braille or not, have a vital stake in the success of NAPUB. It is important that Braille be easily available to blind people at an affordable cost and that blind people have the skill necessary to use it fluently. But it goes much deeper than that. Will we as a people make basic decisions about the techniques we use, or will we by default surrender that decision to special educators and rehabilitation professionals? If we allow Braille to die, we should not engage in the hypocrisy of mourning at the funeral.

But, whatever else might be said about us, Federationists have never been accused of being passive. We are geared up for action, and we are on the move.

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## PSEUDO SCIENCE AND SOPHISTRY: MACK TRIES TO SACK BRAILLE

by Mary Ellen Reihing

There are some magazines which are better left unread because they print material which would have been better left unwritten. The Journal of Visual Impairment and Blindness, as it pretentiously calls itself, is a classic example of a periodical with no redeeming social value. In fact, it often prints material which has devastating implications for blind people.

The September, 1984, issue of the Journal contains an article entitled "How Useful is Braille? Reports of Blind Adults," by Katherine Mack. It is a classic example of the misuse of social scientific methodology to support spurious conclusions.

Ms. Mack begins by describing Braille as "a complicated system of raised dots" which has been taught to "blind students unable to see print" since there are "no practical alternatives to Braille for these students." Then, she gives a token nod (one paragraph) to the advantages of Braille and proceeds to spend several pages discussing its drawbacks. She tells us that it is ambiguous, bulky, and difficult to scan. She says that the use of contractions means Braille readers are notoriously poor spellers and that we are condemned forever to slowness and inefficiency. But she can state her case quite adequately. She says in part:

"Certain kinds of reading, like long, college-level assignments, simply could

not be completed if one had to depend on Braille. . . .We now have some viable alternatives to Braille: computers with voice outputs, talking calculators, speech synthesizers, speech compressors, Optacons, tapes, etc. . . .The relatively low cost of speech access to computers and the increasing recognition of listening is possibly the most viable learning mode for educational programs with visually handicapped students (Wood, 1984) suggests that Braille may be taught and depended on less in the future."

Ms. Mack was a teacher of blind students in California. She wanted to know how much blind adults really use Braille and decided to ask blind people about it. On the surface this sounds like a very good thing. Federationists have always said that professionals in the field should consult with the blind about matters affecting us. But Ms. Mack had other ideas. The answer to her research was already implied in the question she posed. She asked: "How much Braille exposure, practice, and dependence is really necessary for visually handicapped students today?" Given that frame of reference, the deck was stacked; the dice were loaded; and the outcome was clear. Ms. Mack could have written her conclusions—in fact, she would have found it easier to do so—without ever talking to a single blind person.

Ms. Mack conducted telephone interviews with thirty blind adults who had read Braille for at least five years in school. After getting necessary background information, she asked questions about their daily use of Braille. She wanted to know about letter writing, keeping checkbook and other financial data, reading books and magazines, reading work related materials, and keeping telephone numbers and recipes. Ninety-seven percent of the people questioned said that they use Braille for recording phone numbers, addresses, and similar memoranda. More people used Braille than any other method for keeping checkbook records. One-third of the people who read work related material use Braille to do it. This is a surprisingly high percentage given the limited amount of Braille available. More people seem to prefer to read books on talking book, though many who use recorded books prefer Braille magazines.

Thirty percent of the people questioned said that they use Braille almost always. Twenty percent said they use it rarely. Most people said that they use it occasionally and/or frequently. Altogether, the group mentioned thirteen advantages and five disadvantages of using Braille.

The results are there for all to see. Blind adults use Braille in a variety of ways. It is clearly a viable and valuable tool.

The truth, like beauty, is in the mind of the beholder. At least that is what one must conclude after reading Ms. Mack's analysis of the survey findings. But let her speak for herself.

"This (the survey results) has significant implications for the education of our children who are unable to see

print. Clearly they should be taught sufficient Braille skills so they have the option as adults to use it for reading and writing. However, it should be recognized by educators that their blind students will probably not choose Braille as their primary mode for reading and writing after they finish school. Therefore, in addition to teaching Braille skills, other skills should be given equal, if not more, attention."

What a strange analysis! Since blind adults do not use Braille for everything, educators can relax their Braille standards and present Braille to us as an "option." It could be argued with equal vehemence that, since sighted students spend more time watching television than reading books, television watching skills should be emphasized in lieu of print reading.

There can be no doubt that it is important for blind people to learn how to type, supervise readers, use tape recordings, and operate microcomputers and other electronic devices. All of those skills are important tools for increasing the flexibility of blind adults. But it is thoroughly unreasonable to deemphasize Braille, our most basic tool.

The tone set in our classrooms will shape the attitudes and behavior of the next generation. If Braille is taught as an inferior option, we may see a generation of blind adults who can use sophisticated talking calculators but who are unable to write down the results of the calculations.

Perhaps we would do well to ask learned professionals to function for a time in the way they advocate we function. Ask them to rely for one week on

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readers, tapes, computers, and calculators. Take away their pencils and their typewriters since these devices serve the same function for the sighted as slates and Braillers serve for blind people. Perhaps educators would end the

experiment with a better understanding of the real worth of Braille. They might find it difficult to write journal articles. That in itself might be a significant service to blind Americans.

## OF OPTACONS AND OPTIONS

December, 1984

Dear Mr. Jernigan:

I was listening to the Fall 1984 issue of Dialogue magazine, and they had an article about Braille. This prompted me to sit down and write to you.

I have just learned how to use the Optacon. I cannot get an Optacon until I have a job. Rehab is going to pay half of the expense and the Lions Club will pay the other half. I am going to go back to college and finish getting my degree in music and perhaps I will be better qualified and will be able to get a job teaching. I am also going to be moving to \_\_\_\_\_ soon, and that will further help me because I'll be in a more populated area.

Anyway, there are a few gripes that I have with the Optacon. First, I cannot use it when everyone is asleep around here because of that awful buzzing like a honeybee. Second, I soon found out that I cannot read over forty-five minutes at a time because my finger goes numb because of the vibration. Third, I cannot read but twelve words a minute.

That means that in forty-five minutes I am doing good if I can read a page or slightly less. Fourth, the size of print is terribly limited. I am finding out the hard way that the majority of things that I would like to read are either too large a print or too small a print for the Optacon lens to scan. Now, here is my wish. Oh boy, if it could only be a reality I'd be tickled pink.

I wish that someone would come up with a machine similar to the Optacon but instead of print characters, the machine would read Braille. I'd love it to be in Grade One (oh how I wish) in Grade Two Braille. It would pick up the print letter and in the machine it would be converted somehow and the raised letter would be Braille rather than raised print. I'd love it to be something that wouldn't make a noise, and I'd love it to be something that wouldn't vibrate, and I'd love it to be something that would have a wider range of print sizes to see so that you wouldn't have to have three or four expensive lenses to pick up this size or that.

Oh yes, I'd love it to be something that wouldn't cost five or six thousand bucks either. I wish that something like this was available. If it was, I'd get it rather than the Optacon. In a way, I am glad that Rehab is stalling on buying this Optacon and that they are letting me use one on loan when I go back to college. Maybe, if I really say a prayer, in a couple of years a machine like the one I am wishing for will be a reality and I can have that one instead. My reading speed would be so much faster and more efficient. Ah well, I'll just sit here and dream some more. Maybe you and others in the NFB can dream with me.

Sincerely,

---

Baltimore, Maryland  
January 1, 1985

Dear \_\_\_\_\_:

I have your letter about the Optacon, and I would like to begin by saying that (with certain notable exceptions) I do not believe the Optacon is truly a practical reading device for blind persons. I mean this literally. Let me deal with the exceptions first: I think the Optacon can be helpful in identifying mail or other documents, getting an idea of the format of a printed page, identifying material on computer screens, and certain other specialized activities. For straight reading I think it is virtually worthless and that it has been vastly oversold and oversensationalized. I think it is not practical as an everyday aid for blind college students,

blind business people, blind casual readers, or blind anything else. I believe that (despite all claims to the contrary) the Optacon cannot generally be used to read at a speed much greater than the twelve words per minute you describe and that many things cannot be read with it at all. When I talk of twelve words a minute, I am not speaking of scanning, getting the general sense of a page, or any other other evasive terminology which I have heard used. I am talking about straight reading—reading aloud so that you can be timed and checked. I have seen it repeatedly tried, and I have seen the test repeatedly failed. In my opinion the Optacon is largely a money making gimmick for its manufacturer, a subject for exaggerated claims by the media, a device which permits a number of agencies to satisfy their emotional wish to avoid recommending the use of Braille, an easy way out for certain rehabilitation agencies and counselors, and a cruel hoax perpetrated upon blind people.

My experience indicates that a competent Braille reader can read Braille thirty or forty times faster than an Optacon reader can read by using the Optacon. I believe that a blind person who intends to be a successful college student should ideally use a combination of techniques—Braille notes and Braille reading matter, sighted readers, recorded material, computers when they are available, and a variety of other techniques, including the cultivation of the ability to pay attention and retain so that repetition will not be necessary.

The VersaBraille (although it is costly and although it has been as oversold as the Optacon and the subject of unrealistic and impossible claims) can

be of real help to a college student, but it will become a detriment instead of an aid if it is used to the exclusion of the other things I have mentioned. It may be that what we need is not so much new technology as new thinking about some of our traditional beliefs. In this connection I call your attention to the article by Geoffrey Bull in the December, 1984, Monitor. With not much more money than is now being spent we could have a tremendously increased amount of Braille, and an unbelievably reduced unit cost.

The computer is beginning to hold great promise for making printed material accessible to the blind, both in spoken words and in Braille. It may also be that the cost will be relatively small. As you doubtless know, we of the National Federation of the Blind are putting both money and effort into the development of computer technology to make the printed word available to the

blind. Developments will be reported in the Monitor, and devices will be on display at the national convention this summer.

These are my thoughts, and they are just that—my thoughts. I don't know how many people share them, but they represent what I have observed and what I believe.

Cordially,  
Kenneth Jernigan  
President  
National Federation of the Blind

P. S. In one way of looking at it (and especially if we can increase the volume and lower the unit cost) there is just such a reading device as you have dreamed about. It is inexpensive. It reproduces any kind of print. It is light-weight and portable. It can be read at several hundred words a minute. It is called a Braille book.

### **ACTION ON INSURANCE: A REPORT ON THE MEETING OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, AND A NEW MODEL REGULATION ON BLINDNESS**

by James Gashel

In the Braille Monitor of December, 1984, we reported that the National Association of Insurance Commissioners (NAIC) had organized a special task force in response to concerns expressed in Congress that insurance companies continue to discriminate against blind people. NAIC wanted to head off any

possibility that Congress might enact a federal prohibition against insurance discrimination based on blindness.

Following the first meeting of NAIC's task force, held on September 25, 1984, at the National Center for the Blind in Baltimore, there was much scurrying about by insurance industry and NAIC

representatives who were trying desperately to appear very concerned about discrimination against the blind, enough so that Congress would feel comfortable thinking something was being done and the Federation would relax the pressure. The understood deadline for action was NAIC's national meeting scheduled to occur in Washington, D.C., on December 9-14, 1984. So, time was short if meaningful steps were to be taken.

The immediate problem for NAIC and the insurance industry was that discrimination against the blind continues to be a widespread practice throughout the industry despite enactment of state laws or regulations intended to prohibit it. The laws against insurance discrimination are the direct result of Federation efforts in state after state. These prohibitions follow a national model regulation adopted by NAIC in 1978.

But insurance companies have found ways around NAIC's national model and the state laws. For example, an underwriting committee for the Lincoln National Insurance Company stated that its published underwriting guides were not changed as a result of NAIC's model regulation on blindness or the state laws patterned after it. According to Lincoln National, the company's policies already met the requirements of non-discrimination. Still, Lincoln National refused to sell waiver of premium coverage to blind people and refused to write insurance on anyone blind under the age of fifteen. We reported the details of these practices in the Braille Monitor for December, 1984.

If the NAIC model regulation on blindness and similar state laws and regulations permitted this discrimination to continue, they were too weak. That's

what we told NAIC's task force members when they visited the National Center for the Blind last September. The NAIC model regulation on blindness was a compromise which we reached with the insurance industry in 1978. At the time it appeared there was good faith all around. The model prohibits discrimination (such as charging different rates to the blind or refusing to sell insurance altogether), but these and similar acts are permissible if the insurance company can justify them. The operative section of NAIC's 1978 model regulation on blindness reads as follows: "The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience."

We always knew that the exception clause appearing in the section just quoted might be a loophole. But the language was the best we could get at the time. While we preferred a stronger model to begin with, this was the first step for NAIC. So we would see how it worked and improve it later if necessary. That was in 1978. But by 1984, it appeared that another cycle of insurance discrimination against the blind was underway. Companies had found the loophole of the exception clause and they were using it. Moreover, at least one company (again, it was Lincoln

National) had been upheld by one state insurance commissioner in an interpretation of the exception clause which denied waiver of premium coverage to the blind. So, something had to be done to curb these abuses.

This is why we went to Congress and also began talking to the insurance commissioners. And we knew they would listen more if Congress was watching. The position we took with the insurance commissioners was simple—strengthen NAIC's national model on blindness. Then, pick some companies that are known discriminators and make them change their ways. Combined acts such as these might be dramatic enough to shake the industry into cooperating. For their part, the representatives on NAIC's task force promised from the beginning to do something. But they did not know (or say) what.

Throughout the fall we talked and negotiated over new language for the NAIC model regulation on blindness. What language would be most effective in achieving the goal—requiring insurance companies to change their underwriting rules? One proposal which we embraced and the industry opposed was to eliminate the exception clause from the existing NAIC model. This would mean that under any circumstances (even with actuarial evidence) it would be discriminatory for an insurance company to treat blind people differently from sighted people if the difference was based on blindness. A contrasting proposal (developed by the insurance industry) had language that could expand discrimination against the blind. That plan said insurance companies should not discriminate against the blind but may deny disability or health benefits if a

claim was directly due to blindness.

These were the extremes, but other options were also on NAIC's negotiating table as the week of December 9-14 approached. The meeting was to be held in Washington, D.C., in the shadow of the nation's Capitol. The backdrop for it was our bill to give federal protection against insurance discrimination based on blindness. It is likely that this accounts for a major difference from our past dealings with NAIC. In the past, we have asked to appear on the agenda. This time, NAIC asked us. The implications of that distinction are apparent. We did not have to appear hat in hand before the insurance commissioners. In fact, they wanted desperately to convince us that there would be a genuine effort by states to fulfill the commitment of banning insurance discrimination against the blind through state (not federal) enforcement. Under these new conditions of our relationship with NAIC, our statement to the commissioners would have to set forth a challenge with no equivocation. Here is what we said:

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**Remarks of James Gashel  
Director of Governmental Affairs  
National Federation of the Blind  
Before the National Association  
of Insurance Commissioners  
Accident and Health Insurance  
(B) Committee**

In December, 1965, a representative of the National Federation of the Blind came before the National Association of Insurance Commissioners to ask for help in combatting insurance discrimination

based on blindness. The commissioners listened courteously. Then they went home and did nothing, or mostly nothing, at least so far as anyone could tell. And the pattern of discrimination continued.

Then in December, 1977, (twelve years to the month after the first presentation), another representative of the National Federation of the Blind came before the National Association of Insurance Commissioners to ask for help in combatting insurance discrimination based on blindness. The commissioners listened courteously. One among them (Herbert Anderson of Iowa, now deceased) listened with special interest. Our representative was a fellow Iowan. Herb Anderson had taken a personal interest in helping us combat insurance discrimination based on blindness. Iowa had in place an insurance regulation designed to prohibit discriminatory practices against the blind. But would the other states go along? Even if they did, were the state laws strong enough to give insurance commissioners sufficient authority to help us? Would they want to use it if they had the authority? These were the questions in December, 1977.

Now in December, 1984, there stands before you still a third representative of the National Federation of the Blind, coming to ask for your help in combatting insurance discrimination based on blindness. And the questions still remain largely what they were in 1977—are the state insurance departments really committed enough to help us address this problem, and are they capable of doing so?

In June, 1978, we thought we were beginning to get the answer. It was at

that time, here in the nation's capital, that the NAIC took formal action to adopt a model regulation for use by states in prohibiting insurance discrimination against the blind. We were elated. We publicized the move in articles and speeches proclaiming that the end of insurance discrimination based on blindness was at hand.

We actually thought it was at hand. Industry representatives had been part of the process used in drafting the model regulation. In fact, representatives of the insurance industry were a majority on the task force that drafted the original model regulation. We had one seat, and I believe there were eleven members from the industry. Naturally, we thought this meant there would be cooperation industry-wide in implementing the new NAIC model.

When the commissioners went home from the meeting in Washington, we set to work with the states to implement the national model. From our point of view, the results were mixed. Some were immediately cooperative. Other commissioners took a while to do anything with the NAIC model. By the time they did act on it, it seemed (true or not) that the response was more a matter of placating the blind than of genuine state priority or interest. At least one state commissioner said he would have nothing to do with the NAIC model and dared us to go to the legislature. We did.

I am not going to try to recite all of the events which have led us to the point where we are today. Suffice it to say that NAIC is firmly on record as officially opposing insurance discrimination based on blindness or partial blindness. Your national model pro-

claims it. But beyond this, your own representatives have told a Congressional subcommittee that NAIC is committed to state leadership in enforcing prohibitions against discrimination based on blindness. Does this mean that the commitment is shared equally by the various state commissioners? We cannot say.

What we can say is that insurance discrimination against the blind still continues. Your own survey (recently conducted) shows it to be the case. There are individual complaints to be sure. But significantly, too, these complaints arise from underwriting guides that persist in discriminating on the basis of blindness despite state policies to the contrary. Some guides still call for classifying blind people separately from others, then rating for blindness as well as rating for the cause of the blindness, if the cause is ratable. This should be illegal under state prohibitions. But still the guides remain in effect, and blind people are treated accordingly.

One company (it will not serve any purpose to name the source) candidly admits in a memorandum from its underwriting committee that the published underwriting guides were not changed with the enactment of the NAIC model and state prohibitions. Company lawyers doubtless felt that the guides complied with these laws. Still, the company had declined to sell insurance on any blind youngsters under age fifteen or to write disability income protection (including waiver of premium) on any blind person. These practices (with respect to that company, at least) may now be changing.

I wish I could say that the change in this instance (and we are talking about

a major insurance company) was due to vigorous enforcement activities by a state or states, or to initiatives of NAIC, itself. Unfortunately, it is not due to either of these forces. In fact, one state insurance department, applying the current NAIC model regulation, actually upheld the company in question in its practice of not selling waiver of premium protection to the blind.

So why the apparent change of heart by the company? The answer has to do with pending federal legislation, pure and simple. That bill (H.R. 4642 and S. 2775, during the 98th Congress) calls for a new standard of proof in writing or refusing to write insurance on people who are blind or visually impaired. The requirement would be, that there must be sound actuarial evidence. Otherwise, disregard the fact of blindness entirely.

Apparently this test (sound actuarial evidence) makes the underwriters panic. It interferes with their judgment and their discretion to exercise that judgment at will. They don't want the insurance commissioners, the Congress, or the federal courts, telling them to apply sound actuarial evidence or else treat the blind like anyone else. So the company in question has decided to moderate its stand in response to the outside pressure. We applaud the move but not necessarily the motive. No doubt you join us in this. But the actions of a single company (regardless of the size of that company) do not represent an industry reform. More must be done to stimulate a broader change.

And speaking of the standard of evidence, the company in question has advised us that blind applicants can now expect to have insurance plus disability

riders and so forth at standard rates, only with one exception. The exception applies to someone who has been blind for less than two years. In that case, there would be a rating for the cause of blindness, which (if the cause has anything to do with mortality rates) is acceptable; but there also would be an additional rating applied for the blindness itself. That is unacceptable. The reason for the additional rating is the alleged existence by the company of actuarial evidence showing that the newly blind are greater risks than the long-time blind. The theory must be that the long-time blind are pros at being blind, so the hazard must be less. But logic tells us that the newly blind are not in danger at all. Most of them are afraid to venture very far from their rocking chairs. I know of no actuarial evidence that links death with falls from rocking chairs due to blindness.

So we asked the company for the evidence. We were told it existed and we could have it. That was on October 16, 1984. We waited. On December 6, 1984, I received a telephone call from a researcher for the underwriters (same company) who asked me if the National Federation of the Blind could direct her to any evidence which would link blindness and mortality. She was trying to establish that blind people might die sooner, or at least that the newly blind might die sooner than the long-time blind.

Now consider what this phone call from the researcher tells us. On October 16 her company offered to give us the evidence it had that newly blind people might die sooner than the rest of us. "Just give us actuarial statistics,

computer generated analyses of death records, or whatever it is you have that proves that the newly blind die sooner than the long-time blind or the sighted," we said. That was on October 16. But on December 6 a researcher for the same company is calling the National Federation of the Blind to see if she can find the very evidence her company already told us it could produce. What a strange world we live in. This should tell you something about evidence.

Now where do we go from here? You are considering a new model regulation on blindness. Under date of December 3, 1984, we reacted to that proposed model in a statement which many of you have undoubtedly seen.

We oppose the draft that was distributed for this meeting because it has at least one giant loophole. It would permit insurance companies to deny benefits (disability or medical) on grounds that the claim was due to blindness which existed before the policy was purchased. That may not be intended, but the loophole is there. It would be better to leave things as they are than to enact something such as this which would take us backwards several years. The loophole is so gigantic and obvious that the blind en masse will oppose it. How many state commissioners or legislatures will adopt this revised model regulation on blindness if their blind constituents say they aren't buying it? I think it is clear, that the process we have started to improve state enforcement will be paralyzed.

How much better it would be if NAIC could actually come forth with a straightforward, unequivocal, and definite model prohibition. There are many ways to do that. Most have been

suggested during the last few months of negotiating. Compromise is fine. But the last time out the industry largely structured the compromise. I think the people who did so had good intentions. But their good intentions were abused by others who were not party to the compromise. So it didn't work.

Now it is time for NAIC, with its own voice and its own authority, to act. All we ask is that you act effectively to change industry practice. The test we will apply will be simple—does it work? Never mind excuse making with bureaucratic or legal reasons about why it didn't work. The test for the future will be: Does it now work.

On behalf of the nation's blind, I hope you will settle on language which does work. I hope the industry will agree to cooperate in making it work. Then we can put discrimination based on blindness to rest, once and for all. We have made no secret that this is our objective. Whoever joins us, welcome aboard. The future is ours. And to those who stay behind, you will have only the past to remember.

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That statement was presented before a room full of industry and state insurance department representatives. A typical reaction came from the deputy insurance commissioner for Pennsylvania who wrote:

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Harrisburg, Pennsylvania  
December 19, 1984

Dear Mr. Gashel:

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I enjoyed your presentation to the National Association of Insurance Commissioners last week. Being in charge of consumer complaints and enforcement in Pennsylvania, I am most eager to learn of any acts of alleged discrimination against the blind by insurers in Pennsylvania. I would hope that you would bring any problems of this nature to my attention as soon as possible.

Sincerely yours,  
Jonathan Neipris  
Deputy Insurance Commissioner  
Commonwealth of Pennsylvania

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Edward Muhl, the State Insurance Commissioner for Maryland, played a key role in the December meeting. He made the motion to strike the exception clause from the existing NAIC model regulation on blindness. It meant that no discrimination would be permitted against the blind under any circumstances, even with actuarial evidence. Industry representatives were annoyed no end with this turn of events. But they were also able to count the votes in the room. One by one they came to the microphone to express their opposition to the Muhl motion while pledging to end discrimination voluntarily.

Then the chairman of the meeting (the insurance commissioner from Oregon) allowed me to question each industry representative—so I questioned: "Assuming NAIC eliminates the exception clause, as proposed by Commissioner Muhl, will the companies you represent fight new state regulations or support them?" Considering their pledges of

nondiscrimination, this seemed a reasonable question for the insurance industry representatives. And each responded that their companies would undoubtedly support the new regulations. Of course, it was not what the companies wanted. But the alternative would likely be a federal law. That would be worse for the industry. So each industry representative publicly pledged support for the new model and tried only weakly to qualify the endorsement. Since these pledges were made at a public meeting with insurance commissioners looking on, it will now be hard for the industry to back away.

Then questions were put to me. This was a time for straight talk. Everyone was speaking on the record. The questioner was the incoming president of NAIC. He is Bruce Foudree, insurance commissioner for Iowa. His questions reflected the earnest hope of all of the state insurance commissioners to avoid federal regulation and control. He asked: Would the National Federation of the Blind support new state regulations or laws if those regulations or laws eliminated the exception clause in accordance with Commissioner Muhl's motion? If so, would we back away from federal legislation on insurance discrimination?

I answered both questions directly but in the reverse order. No, we would not back away from federal legislation. Yes, we would support the new state regulations or laws and work to secure their approval. From throughout the room, there were murmurings of objection to my answers, especially the first one. Some said it was inconsistent for us to continue asking Congress for a federal law while supporting state regulations.

But the fact is that the insurance commissioners hoped they would strike a deal with us. They would pass stronger state regulations if we would cease our efforts in Congress. I explained that such a deal was not acceptable. We will not need to take our case to Congress when state insurance laws and regulations are strengthened and companies stop discriminating. The test will be: Does it work? The commissioners were not pleased, but how could they be?

Commissioner Muhl's motion passed on a unanimous vote in spite of the disappointment that no deal had been struck. So the exception clause is out. At least it is out of the NAIC model regulation on blindness. Now each state will need to act if the new model is to be followed. Most states will need to amend an existing regulation, law, or both. A few states, where no regulation or law now exists, may now consider passing one for the first time. See Appendix 1 for a summary of the status of laws or regulations now on the books in each state. The information was compiled from state reports on file with NAIC.

It should be noted that thirty-five states currently prohibit insurance discrimination against anyone with a physical or mental impairment, including the blind. Twenty of these thirty-five states do not have a separate regulation or law on blindness alone. Now they should do so, and the remaining fifteen states should work to strengthen existing laws or regulations which specifically protect the blind. NAIC did not change its model regulation relating to discrimination against people with a physical or mental impairment. NAIC only approved striking the exception

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clause from its model regulation on blindness. Any state that now uses the physical or mental impairment model to cover the blind, as well, will need to consider passing a special regulation or law pertaining to the blind only.

Actually there are now two reasons for states to enact special regulations or laws banning insurance discrimination against the blind as a separate class. The first reason is that NAIC's model regulation pertaining to the physically or mentally impaired (which could include the blind unless separately specified) only relates to life and health insurance. But the NAIC model regulation on blindness applies to all forms of insurance, not just life and health. So any state that follows NAIC's model for the physically or mentally impaired (without separately enacting the blindness model) has protection against insurance discrimination limited to life and health insurance only. Those states that enact NAIC's blindness model separate from any other regulation will have comprehensive protection against discrimination based on blindness in all forms of insurance.

The second reason to have a separate regulation or law on blindness alone, patterned after NAIC's new model, may now be more important than the first. That is because the exception clause is out. Under this revised form of the regulation there is simply no acceptable reason or excuse for discrimination against the blind in the issuance of any form of insurance. This revised NAIC model regulation on blindness is far stronger than the physical or mental impairment regulation. So, the blind of every state will want to work toward the enactment of the revised NAIC model.

Appendix 2 is a complete text of NAIC's Model Regulation on blindness as it now reads.

On December 14, 1984, the Executive Committee of NAIC passed a resolution calling upon the states to act immediately to implement the revision approved for the model regulation on blindness. This action means that state laws or regulations will be changed if the commissioners decide to follow NAIC's resolution. In some states it will be done by regulation, and the insurance commissioner will act more or less independently of any other authority in the state. This means that the changes may be made quite quickly. In other states the legislature must be called upon to change existing laws. The legislation should be initiated by the state insurance commissioner, but we will surely want to take an active hand in the matter. In many cases we may have to be the moving force. Action will need to be swift.

Under date of December 19, 1984, Bruce Foudree (now NAIC's President) and Josephine Driscoll (Insurance Commissioner for Oregon and Chairman of the Accident and Health Insurance (B) Committee) sent a memorandum to the insurance commissioner of each state along with a copy of the revised model regulation on blindness and the resolution urging immediate action by states:

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December 19, 1984

To: All NAIC Members

From: Bruce W. Foudree, President, NAIC

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Josephine Driscoll  
Vice President, NAIC

Re: Model Regulation on Unfair Discrimination on the Basis of Blindness or Partial Blindness

This is a reminder that on December 14, 1984, the Executive Committee of the NAIC adopted an amendment to the Model Regulation on Unfair Discrimination on the Basis of Blindness or Partial Blindness. The model as amended is attached for your review and adoption.

As you may recall, the amending of the NAIC model is the culmination of several months of discussion with representatives of the National Federation of the Blind and industry representatives to find a solution to problems identified with the existing NAIC model. James Gashel, National Federation of the Blind, stated in the Accident and Health Committee meeting in Washington that he believed the adoption of the amended model was a positive step by the NAIC but emphasized that adoption by the states is the essential part of the process.

The Executive Committee reiterated its commitment to eliminating unfair discrimination against the blind and adoption by the states of the amended model in the December 14 resolution. The resolution is attached.

We have asked Sandra Gilfillan, General Counsel in the Support and Services Office, to monitor enactment of the amendment. Therefore, please advise her when you adopt the amended model.

Executive Committee  
Resolution on Blindness  
December 14, 1984

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WHEREAS, it has come to the attention of the various members of the NAIC that certain members of the insurance industry are engaging in activities which were intended to be prohibited by the Model Regulation on Unfair Discrimination on the Basis of Blindness or partial Blindness, and

WHEREAS, such actions constitute unfair discrimination against blind persons in the sale of insurance, and

WHEREAS, the NAIC has deemed it necessary to amend the Act as of December, 1984, in order to clarify its intent to prohibit those acts, and

WHEREAS, it is essential that all states act to prohibit such actions;

NOW, THEREFORE, BE IT RESOLVED, that all states are urged to immediately take steps to seek enactment and implementation of the changes to the Model Regulation on Unfair Discrimination on the Basis of Blindness or Partial Blindness adopted by the Accident and Health Insurance (B) Committee on December 13, 1984;

BE IT FURTHER RESOLVED, that the NAIC Support and Services Office shall assist the officers in monitoring the efforts and progress of the states in achieving enactment and implementation of the provisions of the amended Model Act prohibiting unfair discrimination against blind persons.

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The revised NAIC model regulation represents another victory in our long-running battle against insurance discrimination. The resolution means that many states will move quickly to approve new laws or regulations. As they do, we will face the challenge of

making certain that these provisions guarantee the type of protection expected by NAIC and by us. Where there are problems, we will document them and report them to Congress and administrative officials. The battle is not over, but another major step has been taken.

President Jernigan has often told us that our movement gives the blind the power to shape the future for ourselves and those who will come after us. Of course, he is right. We shape our future one battle at the time, and over a span of years patterns and trends emerge.

In the future, when an individual who is blind seeks to buy insurance and does so without difficulty, the routine nature of the transaction will be attributable to the organized blind of the present generation. Most of us can still remember a time when insurance companies could legally refuse to sell us certain forms of coverage or could charge us extra rates. But the blind who come after us will experience less of this, and they will have legal recourse when it does occur. This is a victory which has been won by the blind themselves. No one else in the blindness field had a hand in it or helped make it happen. Let the history of our organization record it, and let the blind of today and in the future remember it.

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#### **Appendix 1** **State Laws or Regulations** **Prohibiting** **Insurance Discrimination**

(Note: Details about the laws or

regulations for each state will be found in state statutes and administrative codes. Information shown here is only a guide presented to show the national pattern and trend. It was compiled from a report submitted to Congress by the National Association of Insurance Commissioners, September, 1984.)

**Alabama:** No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

**Alaska:** No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

**Arizona:** Regulations with combined coverage for the blind and the physically or mentally impaired.

**Arkansas:** Regulations with combined coverage for the blind and the physically or mentally impaired.

**California:** Laws with combined coverage for the blind and the physically or mentally impaired.

**Colorado:** Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

**Connecticut:** Law with combined coverage for the blind and the physically or mentally impaired.

**Delaware:** Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

**District of Columbia:** No law or regulation specifically prohibiting discrimination in insurance based on blindness

or physical or mental impairment.

Florida: Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

Georgia: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Hawaii: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life and health insurance.

Idaho: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Illinois: Laws and regulations with combined coverage for the blind and the physically or mentally impaired.

Indiana: Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

Iowa: Regulations with combined coverage for the blind and the physically or mentally impaired.

Kansas: Laws with combined coverage for the blind and the physically or mentally impaired.

Kentucky: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Louisiana: Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind

people against discrimination in life and health insurance.

Maine: Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

Maryland: Laws with combined coverage for the blind and the physically or mentally impaired.

Michigan: Laws with combined coverage for the blind and the physically or mentally impaired.

Minnesota: Laws with combined coverage for the blind and the physically or mentally impaired.

Mississippi: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life and health insurance.

Missouri: Regulations with combined coverage for the blind and the physically or mentally impaired.

Montana: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life and health insurance.

Nebraska: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life and health insurance.

Nevada: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

New Hampshire: No law or regulation specifically prohibiting discrimination

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in insurance based on blindness or physical or mental impairment.

New Jersey: Regulations with combined coverage for the blind and the physically or mentally impaired.

New Mexico: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

New York: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

North Carolina: Laws with combined coverage for the blind and the physically or mentally impaired.

North Dakota: Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

Ohio: Laws with combined coverage for the blind and the physically or mentally impaired.

Oklahoma: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Oregon: Laws with combined coverage for the blind and the physically or mentally impaired.

Pennsylvania: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Rhode Island: Laws with combined coverage for the blind and the physically or mentally impaired.

South Carolina: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life

and health insurance.

South Dakota: Laws with combined coverage for the blind and the physically or mentally impaired. Also a specific law aimed at protecting blind people against discrimination in life and health insurance.

Tennessee: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Texas: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Utah: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life and health insurance.

Vermont: Regulations with combined coverage for the blind and the physically or mentally impaired. Also a specific regulation aimed at prohibiting discrimination against the blind in life and health insurance.

Virginia: Laws with combined coverage for the blind and the physically or mentally impaired.

Washington: Laws with combined coverage for the blind and the physically or mentally impaired.

West Virginia: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment.

Wisconsin: Laws and regulations with combined coverage for the blind and the physically or mentally impaired.

Wyoming: No law or regulation specifically prohibiting discrimination in insurance based on blindness or physical or mental impairment

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**Section II. Purpose****Appendix 2****Model Regulation  
On Unfair Discrimination  
On The Basis of Blindness  
Or Partial Blindness****Table of Contents**

Section I. Authority  
Section II. Purpose  
Section III. Unfairly Discriminatory  
Acts or Practices

**Section I. Authority**

This regulation is promulgated pursuant to the authority granted by Section 12 of the Unfair Trade Practices Act.

The purpose of this regulation is to identify specific acts or practices which are prohibited by Section 4(7) of the Unfair Trade Practices Act.

**Section III. Unfairly  
Discriminatory Acts or Practices**

The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness.

**LETTER CONCERNING KANSAS****REHABILITATION CENTER FOR THE BLIND**

The following letter was written by Michael L. Roberts to Dr. Richard Shutz, head of services for the blind in Kansas. It underscores widely-held attitudes about many of the rehabilitation centers, and it raises troubling questions. If an individual becomes blind in America today, where can he or she go to find adequate, substantive training? Simply calling an institution by a given name does not make it that or insure that that is what it will be.

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Kansas City, Kansas  
January 1, 1985

Dear Dr. Shutz:

I am addressing my concerns today to the Services for the Blind Rehabilitation Center at 2516 W. 6th Street, Topeka, Kansas.

I would like to start my complaint by saying that this would not have to be

written if the head of the administration could listen to my concerns, which I have brought to his attention without results.

I am not here to do anything but to restore and rehabilitate myself. I spend seven hours a day, four days a week, plus a half day on Wednesdays. In that thirty-two hours a week I would venture to say that only sixteen hours a week are actually spent in earnest training for clients rehabilitating themselves. Some clients do consider this a wasted amount of time in training.

Unfortunately they think that complaining would not get any results; so they don't do anything about it. They also feel that because they are blind they can't speak out for their rights. As clients we are supposed to have our needs complied to; not to comply to the instructors' wants or needs. Some instructors have told me that I need not use my white cane in the Rehabilitation Center or in the dorm. Contrary to this I do not, and will not, give up my cane I came to the center with.

As a taxpayer, I see much wasted time in certain areas of training for certain people. Clients should be able to decide what is best for them. Unless you ask for a staffing, it's my understanding that the instructors decide what you should take. It is a bit difficult to ask for a staffing if you are not aware that you can ask for one.

Here are some areas I feel are not used to their fullest and a lot of time wasted in them:

1. Orientation Class—The first month you are there is a month-long class designed to orientate you with the difficult safety devices in the Rehabilita-

tion Center and dorm. It also explains to you the different laws about blind people in the state of Kansas. I believe the amount of time in orientation could be cut to one week.

2. There are presently one and a half mobility teachers in the program. The administrator says they can't afford any more mobility instructors for the program; but yet they have one full-time and one part-time secretary. Half of their time is spent reading magazines and books. My mobility instructor (who, by the way, is very good) has not had adequate amounts of time to spend with me because of circumstances.

3. Also, one instructor worries more about her guide dog, and treats it like a pet, than she shows attention to her clients. She also takes care of her personal business on client's time.

4. It has come to my attention that the blind people cannot use power tools. All power tools are used only by instructors. I am a totally blind individual, and I have used power tools by myself in the past. I feel that with some instruction I could use other power tools also. It is my understanding that no blind person is supposed to touch or use any power tools at the center. With proper instruction blind people can and do function in society with jobs using power tools. As for the manual arts class offered at the center, you can make a number of beautiful items, but as for the actual instruction as to how to use power tools properly, there is no instruction. The tools I am referring to are power saws, router, sabre saws, band saws, and others.

5. Techniques of Daily Living does have some good advantages for blind people. I have been concerned about

this class from the first day I went into it. There are certain aspects that are very demeaning and a waste of time to all clients now in the program. I consider dialing a telephone, setting a table place setting, and listening to a tape about stress to blind people very demeaning. If I needed to know about stress, I would see a clinical psychologist.

6. Other wasted time and also demeaning to blind people is the Wednesday afternoon fun time. Instead of taking time off during the day we could be in our regular classes working on something constructive. The fun time could be used in the evenings, going bowling or other activities instead of sitting in the dorm all evening long, because you can't leave the center on your own until you have been cleared for travel by your mobility instructor. This would give you fun time and more mobility training.

I feel we could finish the program in half the amount of time required. The program would run smoother and would work much better. You would have people finishing the program earlier, and they would never have to come back for a second go-round.

I get the impression from my stay here that the blind people are to please their instructors and nothing is ever to be said. You are supposed to accept what you see and go along with it.

Another thing which I don't understand is the curfew time at the dorm. I understand the security aspect of it, but having to be told when I can come and when I have to be in is unrealistic. Every client that is at the dorm at the present time is of legal age, and there-

fore should be treated as an adult. I might add that the administration's contention is that if any client should get injured or hurt off campus, they feel a moral responsibility for that person. It is my contention that if a person chooses to leave the campus, they are therefore responsible for their own actions.

We are now in the process of trying to come up with a solution to let the clients be allowed to have keys if they plan on staying out passed curfew time. I am on the committee to come up with some good suggestions. I might also add that nearly all the exercise equipment at the dorm is so old and broken down that it is hardly safe to use. If they want your stay at the dorm to be comfortable, the exercise equipment should be updated and replaced.

In closing I would like to say that having been a businessman before I went blind, if the center were in the private sector and run the same way, it would go broke in a short amount of time. I am not ready to accept, after two months of training, the conditions I have received thus far and would hope that something constructive might come from this letter of complaint. I would be happy to talk about this problem privately with you at any time. Also in closing, I would like to say that some of my complaints for myself have been changed, but the other clients' situations have not changed. I believe that possibly being more educated about blind people would make the center run more efficiently.

Sincerely,  
Michael L. Roberts

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## THE BETTER TO SEE YOU WITH, MY DEAR

by Joyce Scanlan

(Note: This article is reprinted from the Fall, 1984, Blindsight, which is a publication of the National Federation of the Blind of Minnesota.)

"You're lucky! You can see a little bit. You're so much better off than someone who is totally blind."

True? Not necessarily. In many ways a person who is totally blind, with no sight whatsoever, actually has an advantage. After all, it is clear to everyone "how much" that person can see—not at all.

We all find life a little easier when we can put people and things into categories. Unfortunately the person who has some sight, but still within the range referred to as legally blind, doesn't fit. In society's view he or she is trapped in the middle—not really blind but not really sighted either. Is that person "partially blind?" "partially sighted?" "visually impaired?" "visually handicapped?" One term currently in vogue is "low vision."

A "low vision" person faces many frustrating challenges. From early childhood on, family, friends, even strangers, are constantly trying to discover how much you can see. "How far can you see," they ask. "Can you see me?" "How many fingers am I holding up?" To the "low vision" person, it can seem like getting a monkey to do tricks.

As a child with "low vision," I was taught to be grateful for being able to

see a little. Since sight seemed so important to everyone, I developed some strategies for dealing with the issue. I always took the seat in the classroom where the lighting was best. Since red is a color which is easy to see, I wore a lot of red and owned many red items (combs, toothbrushes, slippers, etc.). Because people got upset when I told them I couldn't see something, I told them I could, just to make them happy.

In my day, a "low vision aid" was a magnifying glass. In cost and complexity it was nothing compared to the mind-boggling plethora of "low vision aids" that have exploded upon the scene during the past few years. For many "low vision" blind people, these devices are a helpful aid to independent living. Unfortunately many people are hyping these devices as a panacea—a solution to all the problems faced by "low vision" people.

It is important to put these "low vision aids" in perspective. First of all, they are only tools. Like all tools, they have serious limitations.

For many "low vision" blind people, they do not offer a useful or efficient alternative to Braille or the white cane. A person may need several devices—a closed circuit television (CCTV) system to read small print, a monocular to read at a great distance, and another device for walking about. Additional devices may be necessary if vision fluctuates. For some people

flickering images and glare on a CCTV screen quickly tire the eyes. Some equipment is heavy, bulky, and very expensive.

This high-tech explosion has had quite an impact on agencies serving the blind. For some agencies, the effects haven't always been good. Many agencies used to emphasize teaching basic skills to all blind people, including those with some vision—skills like reading Braille and independent travel with the white cane.

Now, "low vision centers" are all the rage. Virtually forgotten are those basic skills. If you can see a little, they'd rather steer you toward a "low vision aid." Since five out of six blind people can see at least a little, that means just about everyone.

Waiting in the wings, poised and ready to jump on the bandwagon, is the Commissioner of the Minnesota Department of Human Services. He'd like to expand the state's authority to obtain and distribute "low vision aids." He'd like to pour more of our tax dollars into "low vision" technology.

Such a policy would accelerate the trend away from basic skills. Indeed, if we don't watch out, we could be raising a generation of illiterate blind people—people who never learned Braille

but can't effectively or efficiently read print either. In the end, "low vision" people could end up no better off (and perhaps worse off) than they are now.

Fortunately we in the NFB have a solution to the "low vision" problem. What's more, it comes from an excellent teacher—our own experience. First of all, every blind person (with or without sight) should learn the basic skills. Even a "low vision" blind person has less than 10% of "normal vision." That means he or she is over 90% blind. These skills are bound to come in handy at least some of the time.

Secondly, every blind person should learn positive attitudes toward blindness. If that had happened to me when I was a child, I would have learned that sight is a nice thing to have, but it isn't the only thing in life.

Finally, blind people should put technology in its place. If a device helps you live a more independent, productive and fulfilling life, use it. Otherwise, leave it alone.

A little vision or none at all—with good training and a chance to try, no one need ever worry who is "better off" than who.

## WHAT IS THE IOWA COMMISSION FOR THE BLIND

by Kenneth Jernigan

When I was Director of the Iowa Commission for the Blind, we had a booklet called What Is The Iowa Commission for the Blind. As the years have passed and the philosophy of the Commission has changed (even while some of the staff and their followers have vehemently and angrily insisted that it has not changed), the question has become ever more important and cogent. What, indeed, is the Iowa Commission for the Blind? Is it the name, the building, the staff, the philosophy, the legal entity, or something else?

If the Calvary Baptist Church in a given town has built a reputation for saving souls and fighting sin and if one day church services stop being held in the building and gambling and liquor selling commence, what are the loyal church members to do? Especially, what are they to do if the building stays the same and looks as it always looked and if the new tenants keep the name and even manage to hire some of the deacons and elders? What if it isn't a matter of gambling or liquor selling but simply that the beliefs and programs have been totally altered to achieve new objectives? Is such a situation even worse, perhaps, than open sin since it will be harder to expose and easier to cover up? What is the Calvary Baptist Church? Is it the name? Is it the building? Is it a portion of the elders and deacons? Is it the belief and faith which built the reputation and distinguished the church

from others? Is it the practices and beliefs of the new tenants, regardless of whether they are consistent with the former beliefs? Or is it something else?

All of this was brought sharply home to me when I went to Des Moines last October to attend a meeting of the Commission's Orientation Alumni Association. The current Director of the Commission does not live in the building and apparently doesn't understand why she should, or that it makes much difference one way or the other. As I get it, she says that living in the building would not accord with her life style. From my observation I suspect she is right. She insists that all staff members be called by their first names and is said to be as touchy about it as we used to be about last names, pouring on the pressure and insisting that it be done. Again, she apparently has no concept of why we did it or what it accomplished.

I am told that Mrs. Norman (or Nancy, as they call her) usually comes late, leaves early, and makes a great virtue of knowing nothing whatsoever about blindness. As she puts it, "I leave that to my staff. After all, they are the experts."

When I was there in October, there were a hundred subtle changes. It was my first visit to the Commission in five years, and the agency I had known and worked to build was gone. Many of the

staff, I was told, had been asked to turn in their front door keys. After all, the doors would not be locked except during evenings and on weekends, and the staff wouldn't generally be there then anyway. Many doors are now hooked into an electronic security system so that the maintenance person on duty comes running when the door is opened. Just ordinary security. There is an ever growing emphasis on paperwork and the rigidity of formality. Yes, formality—for even though we used last names, there was in the pre-1978 days a spirit of comradship, of common purpose and unity, of informality and lack of red tape, which is not only now lost but not even comprehended. But the most important change is something else, something intangible.

I am told that on January 26, 1985, the board of the Iowa Commission for the Blind conducted a personnel hearing to deal with the case of a woman who had worked in the accounting department and was fired. As I understand it, there was much confusion, much red tape, and a great deal of emphasis on rules and procedures. When all was said and done, the employee stated (and her statement was not contested) that the misuse of state property of which she was accused involved the question of whether she had driven twenty-two unauthorized miles. There was also the question of whether she had used a state identification tag in a parking lot or had simply forgotten to bring it back from her personal car (which was parked in the same lot) when she had gone to put the tag on a state-owned vehicle. Everybody agreed that she had the right to have a state identification tag since she was in charge of distributing such tags. Did

she (as she alleged) legitimately have the tag in the parking lot and simply forget to bring it back, or (as her detractors insist) did she wrongfully have it there, intending to filch a little free parking? Who knows? Who cares? With such weighty issues to occupy their minds, it is no wonder that the members of the board of the Iowa Commission for the Blind have little time for matters like rehabilitation, changing public attitudes, or other such.

But there is more to this major case. Her lawyer (yes, the hearing was complete with lawyer) pointed out that the employee's boss, the head of the accounting department, was guilty of worse than twenty-two miles and a misused tag. He said that the accountant had made a personal telephone call of sixty-two minutes duration and had charged it to administration. When questioned about it the accountant had paid for it, saying that he had simply dialed the wrong access code and, therefore, had put the cost on the Commission bill instead of his own. Later, when the matter was brought to his attention, he was so busy he simply didn't remember or recognize it.

One has to wonder how much state money it took to deal with all of this mish-mash—how many memos, conversations, and explanations. And this does not even take into account the time of everybody at the board meeting and the lost opportunity to deal with something worthwhile. Surely this entire earthshaking matter could have been handled by an efficient director in a few minutes, and speedily placed in proper perspective. Yes, the Iowa Commission for the Blind has changed. Some will say for the

better, and some will say for the worse; but all should be able to agree that it has changed.

Recently Peggy Pinder, President of the NFB of Iowa, wrote to Director Nancy Norman about a problem which has been causing concern to the blind of the state. Although President Pinder addressed the Commission Director politely as Mrs. Norman and although President Pinder is an adult, holding a responsible position as an attorney, it will be observed that Mrs. Norman responded by addressing her as Peggy—something more likely to be interpreted as condescension than friendliness (particularly, in view of the cryptic, cavalier, and unresponsive nature of Mrs. Norman's letter; and particularly, in view of the closing, which indicates that she expects to be called by her last name with a Ms. in front of it). Quibbles? Think again. Organizations, businesses, and entire civilizations live or die because of the nature of the minutia of their daily routines.

So when a staff member, a blind person, or a member of the general public says: "I support the Iowa Commission for the Blind," what is it that he or she supports: the name, the building, the former philosophy, the present philosophy, the director, the former director, the staff, the legal entity, a hazy sort of impression, or something else? I come back to the original question. What is the Iowa Commission for the Blind?:

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Des Moines, Iowa  
October 17, 1985

Dear Mrs. Norman:

I am writing to inform you of the fact that there has been an alarming increase in the number of accidents involving cars and blind pedestrians in Des Moines, with three blind persons struck by cars the first eight months of this year.

Our members have noted that two of the blind persons involved received their cane travel training in the Commission's Orientation Center during your tenure, and recall that such accidents were extremely rare during the tenure of the Commission's previous two directors, who were blind.

You should know that our Des Moines Chapter has taken the initiative in working with the police concerning this, and has already formulated plans for an aggressive traffic safety campaign with ongoing education of Des Moines police officers and the public regarding the needs of blind pedestrians. During our conversation with the police, our members were told by an officer that he felt one reason for the increase in accidents was that the police had observed many blind persons abusing their canes by not using them properly. (Such blind persons have been observed carrying canes under their arm, waving them around, et cetera.) He felt motorists, seeing this, had come to the conclusion that those people could see.

We provided this information to our Des Moines Chapter members, but we find that our members both want and need to use the cane properly, and we encourage this in our members. During the past two years, we have noted more and more blind persons carrying their canes in the manner described by the police officer, and this had included some Commis-

sion staff and some Orientation students. Since students, in particular, are on the streets a lot during the daytime and evening hours, we feel that the impression they make as cane travellers will either help, or harm, Des Moines blind people. The cane is an important tool for independence and safety of blind people.

We realize that you and most of your administrative staff who teach cane travel are sighted people who do not use a cane on a daily basis as we do. Therefore, if you wish, we would be glad to come to the Commission and work with your staff and Orientation Center students on proper cane techniques and philosophy. We feel that our experience as blind people would be of benefit to you. After all, it is our lives and the lives of all blind people that we are trying to protect.

Please let us know when you would like us to begin.

Sincerely,  
Peggy Pinder, President  
National Federation of the Blind  
of Iowa

Des Moines, Iowa  
November 2, 1985

Dear Peggy:

We are in receipt of your October 17, 1984, letter. Rest assured that the Iowa Commission for the Blind is concerned about the safety of its students. Regrettably, even though great care is taken in preparing students to travel independently, accidents do happen. Thank you for your offer.

Sincerely,  
(Ms.) Nancy A. Norman  
Director  
Iowa Commission for the Blind

News Release  
Issued by the  
Des Moines Chapter  
National Federation of the Blind

## Traffic Injuries Concern Blind of Des Moines

A dramatic increase in traffic accidents involving cars and blind persons is an issue for concern by blind people this week of White Cane Safety Day, according to Joe Van Lent of the Des Moines Chapter of the National Federation of the Blind of Iowa.

"Usually, traffic accidents involving blind persons have been few and far between," said Van Lent. "In the first eight months of this year, however, we've had three blind persons struck by cars in Des Moines."

"We're trying to determine the reasons for this," said Van Lent, adding that Des Moines Chapter officials had talked with the Des Moines Police Department concerning this. "They're very interested in this, and are working with us on some solution," added Van Lent. "We're particularly concerned that none of the three motorists was ticketed."

"We decided we needed to do more work in traffic safety education," said Carol Smith, Chapter Vice President. "We have produced public service announcements with the police and plan to work with them on an ongoing basis."

One issue raised by the police,

according to Smith and Van Lent, was that some blind persons were abusing their canes by using them improperly. "They say they've seen blind persons carrying canes under their arms and feel that motorists come to believe that these people can actually see pretty well," Van Lent added.

Van Lent said the chapter had alerted its members to the problem. "During the past two years our members have noticed that many blind persons including some

Commission staff and Orientation Center students at the Iowa Commission for the Blind have not been using their canes properly. "So we're passing the word on to them. They must come to recognize that the cane is an important tool for the safety and independence of blind people."

"At next year's White Cane Safety Day celebration we hope to report no traffic accidents involving blind people," said Van Lent.

#### **BREAKING GROUND AGAIN IN THE RANDOLPH-SHEPPARD PROGRAM: THE PETE HOWE CASE**

By Marc Maurer

In that famous television program, *Dragnet*, Sergeant Friday often said, "The facts, Ma'am, just the facts." What happened was more important than what might have happened, or could have happened, or should have happened. What people thought or what they claimed didn't matter if it was different from the facts.

So, what do the facts tell us? There are those who say that the American Council of the Blind provides assistance to blind vendors. There are those who claim that the Randolph-Sheppard Vendors of America (an ACB affiliate) is a principal organization benefiting blind vendors. On the other hand, we have the facts, and the facts tell the story.

The Randolph-Sheppard amendments were adopted as a part of Public Law 93-516

in 1974. Included in these amendments were provisions for a fair hearing and arbitration process. These provisions were modeled on the arbitration process then in place at the Iowa Commission for the Blind. The Federation created these procedures and recommended that they become a part of the Randolph-Sheppard Program nationwide. Without the National Federation of the Blind, there would be no such appeal process. Once this appeal process was in place, vendors had the right to appeal. The first appeal to assist a blind vendor was taken with the advice and assistance of the National Federation of the Blind.

Then came the court reviews. With the assistance of the organized blind movement, the rights of blind vendors to reasonable treatment under the Randolph-

Sheppard Act were established through federal litigation and are now a matter of the public record through decisions of the federal courts. It was done with the support and assistance of the National Federation of the Blind.

Now, in the Pete Howe case, we have established another precedent. Still another breakthrough has been made. The rights of blind vendors have been expanded and protected once again. Dr. Jernigan outlined the problem in the Presidential Report at the 1984 Convention of the National Federation of the Blind. He said, "Pete Howe is a blind vendor in the post office in Green Bay, Wisconsin. He has operated both vending machines and an over-the-counter business there for over twenty years. But the post office is moving, and it attempted to replace Pete as the vending machine operator in the process. Bids for the vending machine service at the new building were solicited on June 18, 1984, to be returned for opening by 11:00 a.m. June 25. This was a violation of Pete Howe's priority under the Randolph-Sheppard Act.

"But the Wisconsin agency was doing nothing. (And, of course, I don't need to tell you that the Randolph-Sheppard Vendors of America, the ACB affiliate, was doing nothing either.)

"On Monday, June 25, 1984, we went to the federal court in Milwaukee to get an order stopping the postal service from opening the bids at 11:00 a.m. as scheduled. We succeeded. At 10:35 a.m. we got our temporary restraining order blocking the opening of the bids. That order was signed by a federal judge. By five minutes of eleven the postal authorities in Chicago, where the bids were being opened, had been notified

that they could not award a contract. There will be a hearing for a permanent injunction on Monday, July 9. Jim Gashel will be there. In the meantime, Pete Howe, who is at this Convention, continues as the vendor. He will continue after July 9, I can assure you."

The hearing took place in Milwaukee as scheduled. Jim Gashel was there. The post office took the position that Pete Howe had a permit to operate a vending facility at the post office in Green Bay for only as long as the post office remained at its current address. Inasmuch as the post office was moving, the permit was void. After all, they said, the permit lists the address of the post office. If Pete Howe wished to operate the vending facility at the new location, he could bid on the site along with all other interested parties. Of course, at the old location Pete Howe was operating vending machines in the swing room and an over-the-counter business in the lobby. In the new location the vending machines in the swing room would be operated by a private vendor. The blind vendor assigned to this location would be limited to the over-the-counter operation and would not get the profit from the vending machines. What makes the injustice of this position even worse is that several years ago Pete Howe bought the vending facility in the post office. Now that the post office was moving to a new building, this vending facility was virtually worthless. If Pete did not move to the new post office, the money that he had spent to purchase the vending facility in the old post office would simply be gone.

On December 7, 1974, the Randolph-Sheppard Act Amendments of 1974 became

law. For the first time blind vendors had an established appeal process for grievances in the Vending Facilities Program. For the first time blind vendors had a right to a "priority" in assignments to vending locations. However, these amendments did not answer all of the questions. The appeals process in the Randolph-Sheppard Act permits the blind vendor to complain against the state licensing agency but not against the federal government. The post office was moving. It had decided it would not honor Pete Howe's priority to the vending location in the post office. The Wisconsin Vocational Rehabilitation Department, rather than defending Pete Howe, did nothing. Pete Howe was being squeezed out. Furthermore, vending appeals take a long time—often two years. The post office was moving immediately. Even if Pete Howe complained through the arbitration process about the activities of the state licensing agency, and even if he won, his victory would be several years in the future, and he would have no vending location in the meantime. No court had ever fully considered this matter and concluded that the Randolph-Sheppard Act gave the blind vendor the right to emergency court action and a preliminary injunction. Was Pete Howe entitled to an order telling the postal service that it could not alter the vending permit before Pete Howe had been given the opportunity to present his case through the statutory arbitration process established by the Randolph-Sheppard Act? This was the question presented to the United States Federal District Court for the Eastern District of Wisconsin. The National Federation of the Blind prepared the case and stood forth to fight

for the rights of blind vendors. Others may have wished us and the vendors well, but no one stood with us. We were in the courtroom alone. It was clear that the permit granted to Pete Howe the priority for the vending facility in the post office. The address on the permit was merely informational and a technicality. The Randolph-Sheppard rules state specifically at 34 C.F.R. Section 395.7 that a blind vendor will have an opportunity for a hearing before he or she may be removed from the vending facility. The terms and conditions of the permit issued to Pete Howe for the operation of the vending facility at the post office could not be ignored or changed unilaterally by postal officials. To strip Pete Howe of his livelihood without providing an opportunity for him to present his case was a violation of due process. All of this was presented to the court. As President Jernigan confidently predicted, the Court answered the question clearly and unequivocally. We prevailed. The decision of the United States Federal District Court makes it clear that a blind vendor has a right to a hearing and a full review of the priority granted to that vendor before termination of that vendor. The power of the federal courts may be used to protect these rights and to insure that fairness and even-handedness prevail. However, it is important to realize that these victories for blind vendors do not occur in a vacuum. In fact, if someone with expertise, resources, and the will to fight had not been present to resist the action of the post office in the Pete Howe case, not only would Pete Howe have lost his vending location but there would also have been a bad precedent

established as well. The priority guaranteed under Randolph-Sheppard would have been weakened, and every blind vendor in the nation would have been less secure and more exposed. Repeatedly the National Federation of the Blind has stepped forward to save the vending program, and more and more vendors are recognizing the fact and joining the movement. Yet, some of the vendors still stand aloof and hope to ride free—or, even worse, fail to understand, and refuse to take the time to study the issues so that they can understand.

In the present instance certain facts should be underscored. Pete Howe has a job today as a vendor in the Green Bay, Wisconsin, post office. If the Federation had not taken prompt and decisive action, he would not have that job. The decision of the federal judge has been published and can be used as a precedent in future litigation. This strengthens the Randolph-Sheppard Act and increases the likelihood of victory in future cases. It also makes it less likely that the post office and other federal agencies will try to disregard the rights of blind vendors. This contrasts sharply with the recent case which the American Council of the Blind, their affiliate the Randolph-Sheppard Vendors of America, and others brought against the Defense Department to try to get the contract for McDonald's to establish fast food operations on navy bases declared illegal. We declined to participate in that case because we thought there were better ways to attack the problem, because in a previous case of similar nature the ACB lost and caused a bad precedent weakening the Randolph-Sheppard Act to be established, because

we thought the McDonald's case would likely end in another bad precedent and further weakening of the Randolph-Sheppard Act, and because the American Council of the Blind rarely conducts any activity in such a way as to achieve positive results. Regrettably we were right. The American Council of the Blind, its affiliate the Randolph-Sheppard Vendors of America, and their allies have now lost their court case, and the decision is devastating for blind vendors. It is too early to be sure of the interpretation of all of the details of the court decision, but it has the potential to cut the very heart out of the Randolph-Sheppard program and virtually destroy any meaningful preference for blind vendors.

The decision of the United States Federal District Court in the Pete Howe case, issued July 20, 1984, is as follows:

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IN THE UNITED STATES  
DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

MARTIN B. HOWE,

Plaintiff,

v.

WILLIAM BOLGER, in his capacity as Postmaster General of the United States and PATRICIA G. KALLSEN, in her capacity as Administrator of the Division of Vocational Rehabilitation of the State of Wisconsin,

Defendants.

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Case Number 84-C-843

DECISION AND ORDER

The Plaintiff, Martin B. Howe, in the above-captioned action seeks a preliminary injunction for the purpose of maintaining his status as a blind operator of a vending machine enterprise in the United States Post Office in Green Bay, Wisconsin under the Randolph-Sheppard Act. 20 U.S.C. Section 107 et seq., until Howe has an opportunity to exhaust his administrative remedies under state and federal law.

On June 25, 1984, this Court issued a temporary restraining order requiring Defendant William Bolger, in his capacity as Postmaster General of the United States, to suspend the bidding process for vending facilities at the new post office in Green Bay. He was also restrained from soliciting bids, contracting for vending services at the new post office, and from terminating the permit to operate the business. Defendant Patricia G. Kallsen, in her capacity as Administrator of the Division of Vocational Rehabilitation of the State of Wisconsin, was enjoined from terminating the Plaintiff's license to operate his vending business.

An evidentiary hearing was held on July 9, 1984, after which this Court extended the temporary restraining order until July 20, 1984. Under the terms of this extended order the Defendants were allowed to bring food for sale into the new post office, but the food could not be in vending machines or subject to a contract.

Pursuant to this Court's order, Defendant Kallsen informed the Court by letter that the grievance procedure

available at the state level would take three months to complete. Additional time would be needed at the federal level. Howe is asking that a preliminary injunction be granted incorporating the terms of the temporary restraining order and allowing him to operate his vending machines in the new post office pending the outcome of the administrative proceeding and staying this action until the termination of those proceedings.

In ruling on a preliminary injunction, a trial court must consider: (1) the reasonable likelihood of success of the merits; (2) whether there will be irreparable injury and absence of an adequate remedy at law; (3) whether the threatened harm to the Plaintiff outweighs the harm the injunction may cause the Defendants; and (4) whether the granting of the injunction will disserve the public interest. Shaffer v. Globe Protection, Inc., 721 F.2d 1121, 1123, (7th Cir. 1983).

Howe asserts that he had a reasonable probability of establishing, through recourse to administrative remedies, that the license covering his vending enterprise in the Green Bay Post Office will not be terminated by a move of that office to a new address. He alleges that he is a third-party beneficiary to the contract between the federal and state defendants and contends that his license to operate the vending facilities should be transferrable to the new facility.

Plaintiff claims to have been operating a vending stand in the lobby of the main post office at Green Bay since 1960. In 1970, he executed an Automatic Vending Agreement with the Green Bay Post Office to expand his facility to

include the employee lunchroom. Howe believes that he has a property interest in maintenance of the vending facilities at both sites, and additionally, a contractual interest in the lunchroom site. The federal Defendant maintains that the Plaintiff has no property interest in doing business in a particular location.

The Court notes that this case does not involve an application for a license, but the *de facto* termination of a license. As such, the Plaintiff is entitled to procedural due process rights. See Sumpter v. White Plains Housing Authority, 29 N.Y.2d 420, cert. denied, 406 U.S. 928 (1972). ("It has long been settled that a party aggrieved by loss of a pre-existing right or privilege may enjoy procedural rights not available to one denied the right or privilege in the first instance.") Licenses which involve activities which are essentials of life should not be taken away or nullified without affording an opportunity for a hearing prior to termination. Bell v. Burson, 402 U.S. 535 (1971) ("Once licenses are issued...their continued possession may become essential in the pursuit of a livelihood. Suspension of issued licenses thus involves state action that adjudicates important interests of the licensees. In such cases, the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment.")

The federal Defendant has pointed out that the state Defendant has not taken action to cancel Howe's license, yet it is the Defendants' position that this license would not transfer to another location. Thus, if the main post office in Green Bay has moved to a new location, a license to operate a vending

machine business in the former facility would have no value even if it is not formally terminated. In regard to the written contract covering the vending facilities in the employee lunchroom, the Defendants have offered no subsequent writing showing a modification of this specific agreement.

The sole issue in this case is whether a preliminary injunction should issue allowing the Plaintiff to continue his vending business at the new main post office in Green Bay until he has exhausted his administrative remedies. See Amended Verified Complaint. This Court need not address the underlying issue of whether the Plaintiff should be awarded a contract to provide vending services at the new post office. The Plaintiff concedes, and the Court agrees, that this determination is best left to the decision-making bodies designated in the Randolph-Sheppard Act. See Massachusetts Elected Committee for Blind Vendors v. Matava, 482 F. Supp. 1186 (D. Mass. 1980).

Thus, the Court finds that the Plaintiff does have an arguable property interest in his license to conduct his vending business at the Green Bay Post Office, at whatever location and that, therefore, he is entitled to a due process hearing. Congress has provided for such a hearing under the Randolph-Sheppard Act, 20 U.S.C. Section 107d-1, so the Plaintiff should be allowed to avail himself of the procedures thereunder before his opportunity to operate under his license is terminated.

The Plaintiff alleges that his injury will be irreparable because a Randolph-Sheppard Arbitration Panel, convened under and pursuant to 20 U.S.C. Sections 107d-1 and 107d-2, does not have the

authority to award retroactive relief in the form of compensatory monetary damages or reinstatement. The federal Defendant cited Georgia Department of Human Resources v. Bell, 528 F. Supp. 17, 25 (N.D.Ga. 1981) as an instance in which compensatory damages were awarded, but the Plaintiff has submitted evidence that the United States is appealing this decision on the ground that these panels do not have the power to award monetary damages to blind vendors in the form of back pay awards or legal fees. [We interrupt the court order to remind Monitor readers that the Georgia case here referred to is the Jessie Nash case, which the Federation planned and sponsored from its inception through its successive stages of victory. The court order continues:] No other reported cases have dealt with this precise issue, so should the federal government prevail in its appeal, there would be precedent for denying relief to Howe in this case. Thus, the Court finds that the Plaintiff has shown that he could be irreparably injured and without an adequate remedy at law.

At the hearing held on July 9, 1984, the Plaintiff testified that he received no income other than that from his vending business. If he is not allowed to conduct this business pending the outcome of the administrative proceedings, he will be deprived of his livelihood. The federal Defendant hypothesizes that the disappointed bidders might bring actions against the government if the bidding process is halted. However, the Defendant cites no authority which would give these bidders standing to sue the government for a mere expectancy interest. The Court finds, therefore, that the harm to the Plaintiff would be

greater than that to the Defendants if this injunction does not issue.

The Plaintiff has pointed out that the Randolph-Sheppard Act Amendments (which provide for the grievance procedure) were passed by a unanimous vote of both houses of Congress in 1974. Brief in Support of Second Amended Motion for Preliminary Injunction at 12.

In this Act, Congress clearly intended to benefit blind citizens and to enable them to earn a living. 20 U.S.C. Section 107. If Howe does not retain his vending operation in the main Green Bay Post Office at the new location, others, who are not blind vendors, will be allowed to bid for the contract to operate the same business and a percentage of the profits will be contributed to the Employees Social and Recreational Committee. Quesnell Deposition at 63-65. This, too, is contrary to the intent of the Randolph-Sheppard Act and leads the Court to find that the public interest would best be served by allowing Howe to continue his business pending the outcome of the administrative proceedings. See 120 Cong. Rec. 20119-20 (1974).

Accordingly, IT IS ORDERED that a preliminary injunction is hereby issued against the Defendants, William Bolger in his capacity as Postmaster General of the United States, and Patricia G. Kallsen, in her capacity as Administrator of the Division of Vocational Rehabilitation of the State of Wisconsin. Under the terms of the injunction IT IS ORDERED that:

1. Defendant Bolger must suspend the bidding process for vending facilities at the new location of the main United States Post Office in Green Bay, Wisconsin until the Plaintiff has had an

opportunity to exhaust his administrative remedies under the law.

2. Defendant Bolger is restrained from contracting for vending services with anyone at the new location of the main United States Post Office in Green Bay, Wisconsin until the Plaintiff has had an opportunity to fully exhaust his administrative remedies under the law.

3. Defendant Bolger is restrained from terminating the vending facility permit with Defendant Kallsen or taking any action which would otherwise prejudice the rights and priority status of the Plaintiff until the Plaintiff has had an opportunity to fully exhaust his administrative remedies under the law.

4. The Defendants must allow the Plaintiff to move his vending facilities at his own expense to the lobby and employee lunchroom of the main United States Post Office in Green Bay, Wisconsin. The Plaintiff may operate only the same vending machines as he operated at the former facility until he has had an opportunity to fully exhaust his administrative remedies under the law.

5. The Defendants may supplement the vending machine facilities provided by the Plaintiff by offering other food for sale at the new main post office. This food cannot be in vending machines or subject to a contract.

6. Defendant Kallsen is restrained from terminating the Plaintiff's vendor's license or otherwise taking any action which will prejudice the rights and priority status of the Plaintiff, except in strict compliance with the manner provided by law.

IT IS FURTHER ORDERED that the above-captioned action shall be stayed until such time as the Plaintiff has completely and fully exhausted his administrative remedies under the law, and until such time as the Plaintiff or one or both of the Defendants apply to this Court for an order confirming the arbitration decision of the Secretary of Education of the United States, which arbitration decision shall be made under and pursuant to the provision of H.S.S. Section 260.05 of the Wisconsin Administrative Code and 20 U.S.C. Section 107d-1(b).

IT IS FURTHER ORDERED that at such time as the Plaintiff shall apply to this Court for confirmation of an arbitration award in his favor, the Plaintiff shall be permitted to ask this Court to require Defendant Bolger to pay the costs of the Plaintiff's relocation to the new location of the main United States Post Office in Green Bay, Wisconsin pursuant to 34 C.F.R. Section 395.35.

IT IS FURTHER ORDERED that after this Court has confirmed the final and binding arbitration decision of the Secretary of Education of the United States, upon petition of either the Plaintiff or one of the Defendants, this action may be dismissed.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin this 20th day of July, 1984.

Thomas J. Curran  
United States District Judge

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## THE RANDOLPH-SHEPPARD ACT HOW TO KEEP IT, HOW TO LOSE IT

by Kenneth Jernigan

On January 7, 1985, the federal court for the District of Columbia handed down a decision of devastating impact on the blind vendors of the nation. The decision resulted from lawsuits unwisely filed by the American Council of the Blind and its affiliate the Randolph-Sheppard Vendors of America. The result could have been predicted, but the totality of the disaster is hard to believe. To understand the full extent of it requires analysis, perspective, and background.

The federal Randolph-Sheppard Act is a touchy piece of legislation. To preserve it requires expertise, the willingness to fight, the knowledge of when to negotiate and when not to negotiate, and a skillful hand. The Act confers important benefits upon the blind, but it is constantly in danger of being seriously weakened or so watered down as to become virtually useless. The reason is not hard to find. The Randolph-Sheppard Act was originally passed in the 1930's. Although we as blind people had not at that time come to the full maturity of our organization, we had more collective clout than the other disability groups, most of whom were not organized at all and had yet to find their sense of identity and common purpose.

The Randolph-Sheppard Act gave the blind a preference in operating vending

facilities on federal property. In 1974 the preference was changed to a "priority," which translated into an expressed intent by Congress that the blind should have the right to operate vending facilities on federal property before opportunities could be made available to others. The preference (or as it was now called, the "priority") was also extended explicitly to cover cafeterias. This meant big dollars and complex maneuvering. We were beyond the stage of magazine stands in the post office lobby. It meant that other disability groups would want a share of the action; it meant that McDonald's and similar fast-food chains would increase their attempts to compete for the profits; and it meant that the paperwork-as-usual behavior of the typical federal and state bureaucrat would not be sufficient to preserve what had been won. The game was big and the action fast.

The 1974 amendments provided as follows: "The Secretary ... shall prescribe regulations to establish a priority for the operation of cafeterias on federal property by blind licensees when he determines, on an individual basis and after consultation with the head of the appropriate installation, that such operation can be provided at a reasonable cost with food of a high quality comparable to that currently provided to employees, whether by contract or other-

wise."

The 1974 amendments to the Randolph-Sheppard Act seemed to hold great promise, but the required regulations were not forthcoming. In the meantime the National Federation of the Blind was not standing still. A cafeteria was to be established in 1976 at the Mine Safety and Health Academy at Beckley, West Virginia, and the blind were not to get it. We brought a lawsuit in the federal courts, and before trial, we won our point through a negotiated settlement. The cafeteria became part of West Virginia's vending facility program. It still remains so today.

The long waited for regulations were issued March 23, 1977, and they had troublesome features. While they provided that federal property managing agencies could negotiate directly with state agencies for the blind for the installation and operation of cafeterias by blind persons on federal property, they also contained an alternative provision (included because of the efforts of GSA and other property managing agencies). This alternative (seemingly favored by the authors of the regulations) had the effect of watering down and weakening what we had hoped would be a strong priority. The alternative was that federal property managers could submit bids from companies or individuals interested in operating cafeterias and consider those bids in competition with bids from the state licensing agencies. If the state licensing agency did not bid (which was usually the case), the cafeteria would be given to outside contractors. The effect of this dual standard can be seen by the fact that from the promulgation of the new regulations until the present time,

state licensing agencies have been awarded cafeterias in a majority of the instances when negotiations with federal property managers were employed as opposed to the bid procedure. On the other hand, only one cafeteria was given to the blind during that entire time through the competitive bid procedure, but many were given to private contractors.

Shortly after the regulations were issued, the American Council of the Blind, its affiliate the Randolph-Sheppard Vendors of America, and others brought action in the federal court to overturn them. We felt it was unwise to enter this case. As a general rule, it is very difficult to get the courts to alter a federal agency's interpretation of the law as expressed through its regulations, and once the court has decided, the precedent is likely to be harmful and very nearly impossible to overcome. We felt that it was better to work through congressional oversight hearings, negotiation with federal officials, and public education.

Our judgment was vindicated when the United States Court of Appeals for the District of Columbia decided against the ACB and its allies. The court held that the federal regulations issued by the Department of Health, Education, and Welfare were a reasonable exercise of that agency's discretion to interpret and implement the statute. So the regulations (including the practice of bidding for cafeterias) were sanctified by the court decision. The judgmental error in bringing the case has caused untold damage to the vending program and still dogs our steps to the present day. It has limited our options, hindered our negotiations, and seriously weakened the

**Randolph-Sheppard Act.**

In January of 1984 the General Services Administration attempted to take bids from fast-food chains for the operation of the cafeteria in its headquarters building in Washington. Because of the language of the bid solicitation state licensing agencies were precluded from bidding, and the blind would effectively be eliminated. Bad as this was, it could have been worse. The actions of GSA were taken in the name of the special regulations governing the issuance of contracts for cafeterias. They did not make an assault upon the general priority governing other types of vending facilities, including vending machines. The American Council of the Blind-Randolph-Sheppard Vendors of American conglomerate advised delay and a wait-and-see attitude. It was clear that this would not do. In a matter of days the bids would be taken and the contracts awarded. Once the damage was done, it would be all but impossible to reverse an accomplished fact.

Federationists know the rest of the story. We took our case to the public and served notice on GSA that we would throw hundreds of pickets around their building if they proceeded. They backed down and made it clear in a letter sent to us by special courier that it was our effort which brought the change. We then picketed the Secretary of Education and hand-delivered a formal petition requesting that the regulations be changed to eliminate the practice of bidding for cafeterias—asking, instead, that permits for the operation of cafeterias be awarded on the basis of negotiation with state licensing agencies.

The American Council of the Blind did

not join us in these actions. Instead, they opposed us, telling the blind and the general public that new regulations were not necessary and that they would negotiate with the Assistant Secretary of Education to get a favorable policy statement. Their notion of a "favorable policy statement" was that the state licensing agencies should have the opportunity to bid for federal cafeterias along with others, including the fast-food giants.

This undercutting and negative approach, which muddied the water and indicated willingness to capitulate, retarded our efforts to get the needed regulations. Our negotiations have continued, but the effort has been strenuous and long and still drags on. It has been made unnecessarily difficult by the opposition of the ACB and its allies, who were not even content to remain silent. If they were not prepared to take positive action to support the vendors, they might at least have left the matter alone.

But as later events were to show, the greatest damage done by the ACB maneuvering related only incidentally to cafeterias. It struck at the vending program across the board and has the potential of cutting the very heart out of the Randolph-Sheppard Act itself. In the negotiations concerning the GSA cafeteria in early 1984 the ACB group said that what it wanted was the right for state agencies to bid in competition with others. This would be sufficient provided guidelines for a priority were laid down once the bids were in. Of course, this conceded far too much and was (because of later unwise ACB action) to have the potential for devastating effect.

In mid-1984 events began to occur which led to two lawsuits brought in the federal district court for the District of Columbia. The first of these cases (filed October 18, 1984, was styled: "Randolph-Sheppard Vendors of America et. al., plaintiffs, vs. Casper W. Weinberger et. al., defendants." The suit sought to block a contract between the Navy and the McDonald Corporation for fast-food service at naval bases in the United States and abroad. The second suit (filed November 16, 1984) was styled: "National Council of State Agencies for the Blind et. al, plaintiffs, vs. Casper W. Weinberger et. al., defendants." It sought to overthrow a contract between the Army and Airforce Exchange Service (AAFES) and the Burger King Corporation for setting up Burger King franchises at various military installations.

Since the plaintiffs in both cases were identical and the issues similar, the cases were consolidated. The American Council of the Blind and its allies made much of the fact that they were being joined in the suit by Senator Jennings Randolph. However, the court decided that he did not have standing to sue, so he was not continued as a party. The court also ruled that various other groups and individuals did not have standing to sue—Paul Verner, President of the Randolph-Sheppard Vendors of America; the Association for the Education and Rehabilitation of the Blind and Visually Impaired; and the Affiliated Leadership League of and for the Blind of America. As with the earlier case brought by the American Council of the Blind, we thought the maneuver was unwise and extremely dangerous. There were better ways to try to accomplish

the objective; the odds were overwhelmingly against a court victory; and an unfavorable decision could not only make future negotiations difficult but could jeopardize the entire Randolph-Sheppard program. We were urged to join the case, but we said no.

The problem was not just that the court was the wrong arena to use in fighting these particular cases at this particular time but also the incredibly inept way in which the cases were handled. The risks were increased unnecessarily. For example, the ACB and its allies began by stipulating that the fast-food installations in question would not be cafeterias as defined in the Randolph-Sheppard regulations. This needlessly brought before the court the entire question of the priority for the blind in all vending facilities, not just in the cafeterias. The priority in other areas besides the cafeterias had not been significantly challenged up to this point, but now everything was on the line. One has to wonder whether the ACB and its allies had any idea or inkling (or have any yet, for that matter) of the explosive issue they opened and the terrible weapon they gave to the opponents of the Randolph-Sheppard program.

On January 7, 1985, our worst fears were realized. The court handed down its decision, and the ruling was disastrous. It was probably one of the shortest court cases in history. As far as the blind are concerned it was one of the most devastating. We understand that the ACB is considering appealing the decision, and in view of the disastrous nature of the ruling, they certainly should. Of course, a loss in the Appeals Court would put us in a

worse hole than we are already in, but it is possible that elements of the decision can be reversed and the damage at least somewhat mitigated. It is a long shot, and the risks to the livelihood of the vendors keep increasing. The dilemma which we of the Federation now face is not easy. If we do not intervene with at least an amicus brief to try to help bail the situation out, there is danger that the appeal will be as ineptly argued as was the original case, resulting in further damage and potential destruction. On the other hand if we associate ourselves with the case at all, it is similar to fighting a land war in Asia. It is the wrong arena, the wrong timing, the wrong parties, and the wrong poorly built record.

The plaintiffs in the case argued that blind vendors and state licensing agencies had been denied the priority required by the Randolph-Sheppard Act, but the court held that the priority had not been abridged despite the fact that the contracts with McDonald's and Burger King might result in fewer employment opportunities for the blind. This raises the specter of massive competition for the Randolph-Sheppard program in the future. For example, the court held that: "Nonblind vendors may compete with blind vendors for the opportunity to operate vending facilities on federal property. By analogy, the federal government may establish competitive criteria in soliciting contracts for fast-food procurements, and need not ensure that blind vendors are able to satisfy these criteria." In reaching this conclusion the court reasoned that the government (in this case the Department of Defense) has the right to

determine the terms of a solicitation and to evaluate whether proposals of respective bidders (including those representing blind vendors) are responsive and competitive. Priority then applies to the ranking of the responsive and competitive bids. In short, the court held that priority does not preclude bidding for vending facilities on federal property.

As we have already noted, this discussion of priority applies to all types of vending facilities. Since 1974, vending facilities have been classified into two categories: those which are cafeterias and those which are not cafeterias. Bid solicitations have been fairly common when a federal agency wants to award a cafeteria contract. But in the case of non-cafeteria vending facilities, direct negotiations have been used and have normally resulted in a permit's being issued by the federal agency to the state licensing agency. Bids for such permits are unheard of—at least, they have been to the present time.

As we have already said, the parties agreed that the contracts in question did not call for establishing cafeterias. Therefore, the opinion that competition is permissible applies to all types of vending facilities. Strategically, it would have been better if the issue could have been narrowed to cafeterias. Then, all other types of vending facilities might have remained safe from competition. Now, they are not.

The court decision reviewed in detail the competitive bidding process now permissible under federal regulations in the case of cafeterias. After giving its stamp of approval to the cafeteria

regulations permitting competitive bids, the court stated: "By analogy, blind vendors who operate other types of vending facilities are not protected from all commercial competition, nor are they given the right to insist that the government's contract solicitations contain only terms and conditions which blind vendors can meet. There is no requirement that a bid proposal be tailored so that blind vendors could satisfy all of its criteria. This is particularly true in a situation such as this where the criteria complained of—the ability to operate a national fast-food operation—is unrelated to the condition of blindness. Instead, this requirement is apparently designed to incorporate certain efficiencies which can be achieved through economies of scale. Absent some clear indication from Congress that national procurements such as these are prohibited, the Court declines to enjoin these contracts."

The plaintiffs also argued that in awarding these contracts the Defense Department failed to follow a procedure called for in the Randolph-Sheppard Act, the procedure requiring approval by the Secretary of Education for any limitation imposed on the placement or operation of a vending facility on federal property based on a finding that its placement or operation would adversely affect the interests of the United States. The precise language of the statute is: "Any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary, who shall determine whether such limitation is

justified. A determination made by the Secretary pursuant to this provision shall be binding on any department, agency, or instrumentality of the United States affected by such determination. The Secretary shall publish such determination, along with supporting documentation, in the Federal Register."

The plaintiffs argued that the McDonald's contract and the Burger King contract would impose a limitation which must first be approved by the Secretary of Education. No request for approval was submitted to the Secretary, and the Secretary made no determination on the question whatsoever.

But (piling disaster on disaster) the court declined to require the Defense Department to obtain prior approval from the Secretary of Education. It found that the contracts in question were not a limitation on the placement or operation of a vending facility that Congress was trying to curb by including the procedure for approval by the Secretary of Education. So according to this ruling, federal agencies such as the Department of Defense may solicit bids for vending facilities in such a way that blind vendors or state licensing agencies cannot meet the criteria. Then, having done so, they may award a contract to a nonblind competitor. The court said that although this may be a limitation for the Randolph-Sheppard Program, Congress did not prohibit it although it could have done so.

If the American Council of the Blind and its affiliate the Randolph-Sheppard Vendors of America are really concerned about the welfare of blind vendors, why did they not join us in January of 1984 when we picketed the Secretary of Education and petitioned for a rulemaking to

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change the Randolph-Sheppard regulations? An indisputable test of a thing is: Does it work? Despite the ACB opposition, what we did last January worked. We prevented GSA from setting up a fast-food operation in its headquarters building. What ACB attempted did not work.

Yet, in the same year (1984) ACB tried another maneuver involving the Randolph-Sheppard Act. It was strategically so unwise that one has to wonder why it was undertaken. I have heard (but cannot vouch for the truth of it) that an ACB national staff member said the court case against McDonald's and Burger King was undertaken to show the vendors of the nation that the NFB is not the only organization that works to help vendors.

If this is true, what a commentary! Moreover, who needs or wants such help?

Be all of this as it may, we must now try to find a way to minimize the damage and pick up the pieces. Perhaps (as already indicated) we should file a brief in the Appeals Court. Perhaps we should ask Congress to pass a resolution making unmistakably clear that the blind should have a priority in food service operations on federal property. Most important of all, perhaps we should urge the ACB to refrain from trying to do what it cannot do and does not understand how to do. The blind vendors of the nation have much to think about as they ponder the significance of the McDonald's and Burger King court cases and the other events of the past year.

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If you or a friend would like to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto National Federation of the Blind, a

District of Columbia non-profit corporation, the sum of \$\_\_\_\_\_ (or "\_\_\_\_\_ percent of my net estate" or "The following stocks and bonds: \_\_\_\_\_") to be used for its worthy purposes on behalf of blind persons."

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### OSCAR: THE TALKING TRAVEL AID

by Louis J. Finkle, Ph.D.  
Coastal Carolina College  
University of South Carolina  
Conway, South Carolina

(Comments by Kenneth Jernigan, President, National Federation of the Blind: I think the material contained in the following article should be available to Monitor readers. To this end we published a "Monitor Miniature" about OSCAR in the January, 1985, edition of the Monitor. However, I want to make it clear that we in the National Office of the Federation are not in a position to pass judgment on the accuracy of the opinions expressed. My first experience with electronic travel aids occurred in the mid-1950's when I was working at the California Orientation Center for the Blind in Oakland. A man from the Walt Disney Studios wanted us to test the marvelous electronic travel aid he had developed. It was an interesting novelty, but nothing more. It was to be attached to one's cane at about a foot and a half from the ground with a wire running to a small device which was placed in the ear. It is true that the device would detect some objects some of the time, but it wouldn't give as much information as my cane would give; and after the newness wore off, it was simply a nuisance. It was heavy, and it was unreliable. The beeping in the ear was distracting. But above all, you could get more information from your cane than you could from the device. It was not a matter of cost or availability

or any of the other things we usually hear discussed. It was just that the cane was better and easier to use. I told the Disney man so, and he seemed less than pleased about it. He may have been among the first but was certainly not the last to go away miffed and call me a radical and a rabble rouser because I would not smile politely and tell him what he wanted to hear even if I did not believe it and thought it would be harmful to the blind. This is not to disparage research or to say that an electronic travel aid which is superior to the regular lightweight, long, white cane may not eventually be—or, for that matter, may not now be—on the market. It is only to say that I have not seen one and that my experience has been that electronic travel aids (like television and rehabilitation) have promised much and delivered little. I hasten to add that I have not tried the OSCAR and that it may do all that is claimed for it. I hope that it will.

My attitude is that I will gladly examine and try any electronic travel aid which comes to hand, but until I find one that will give me more data with more ease and efficiency than I can get from my cane, I will stay with what I have. My cane is inexpensive, it is lightweight, it is relatively maintenance free, and it is reliable. If an

electronic device comes to my attention which seems to be as effective as my cane, I will weigh the relative advantages and disadvantages and choose accordingly. In the meantime here is Dr. Finkle's article.)

For the past twenty years there have been sporadic attempts to meet the needs of blind persons who wish to use electronic travel aids to travel independently. Several organizations and companies have provided electronic travel aids that were unique but not highly marketable. Some of the reasons include costs, "thin" markets and difficulty in meeting design requirements. Some of the best devices (Nurion Laser Cane and Wormald Sonic Guide) have price tags greater than a thousand dollars. We now have ample data that indicates that a thousand dollars represents a critical threshold in assistive device purchases. The Wormald MOWAT and Pentad OSCAR have more favorable price tags but have not been "best sellers." In fairness to the Pentad OSCAR, it has just entered the market and very few people know much about this "talking marvel." More about this later.

I was fortunate to have been funded to conduct an opinion survey of mobility instructors on the use of electronic travel aids, in general. To my knowledge this was the first mass survey on the subject in the twenty years I have been affiliated with programs for blind persons. The nationwide survey was conducted during October, 1984, to determine the impact that new electronic travel aids may have on manufacturers of devices and the lives of travelers with visual limitations. It was assumed that the responses would be of value to

clients who are blind in that they would benefit by an evaluation of appropriate travel aids by instructors in mobility. It was also a mechanism whereby the travel aids industry might use the information to refine and invent future products based on data collected and reported.

Most responding mobility instructors cited cost as the most inhibiting factors preventing them from recommending electronic travel aids for blind persons. When presented technical information on four excellent electronic travel aids (Nurion's Laser Cane, Wormald's Sonieguide & MOWAT, and Pentad's OSCAR Rangefinder) and asked to select the one they would recommend if all four were to cost the same low price, the OSCAR Rangefinder was chosen most frequently.

The Obstacle Scan and Reporting (OSCAR) device can be used as a hand-held detector of objects and obstacles or mounted on a travel cane. It uses ultrasonic transmission to "sense" the forward environment and an internal computer measures distances to the detected surface. The signal then travels to a voice synthesizer to generate the words heard by the user. Amazingly, all of this takes place in less than one second in a container about the size of a pocket paperback book. Travelers may now be told the distance to tree limbs, poles, people, chairs, tables, etc. instead of continually bumping into them. The OSCAR's sensor is small enough to place in the palm of a hand and light enough to mount on a travel cane. It can be angled by the traveler to detect obstacles in any chosen direction which is a marvelous answer to the question "How do I know when I am about to hit something the

cane cannot reach?"

OSCAR...The Talking Rangefinder having been field tested throughout the Commonwealth of Virginia is now being test marketed in the New England states (by the Pentad Corporation, 109 K. North

Main Street, Woodstock, Virginia 22664) for about \$495. Specific requests for technical information or purchasing OSCARS should be directed to the manufacturer.

### FERRIS WHEEL CHAPTER ON THE MOVE

by Catherine Randall

(Note: The following article is reprinted from the December, 1984, newsletter of the National Federation of the Blind of Illinois. Catherine Randall is Editor of the newsletter, First Vice President of the NFB of Illinois, and President of the Ferris Wheel Chapter, which is located in Jacksonville.)

For over a month the Ferris Wheel Chapter has been promoting a public awareness campaign to inform the public about Federation work on a local, state, and national basis. We have recruited two unofficial new members, and I have at least eight other people to contact. We have created a great deal of good will and \$700 in the process, after expenses.

I built the fundraising part of the campaign around a dance featuring music from the 1950's through the 70's. Chapter Secretary Daryl Darnell spent long hours preparing the taped music. Daryl served as "disc jockey" for our November

4th dance, and Wolf-Man Jack could not have done a finer job.

I wish to thank the NFBI board members for attending our fundraiser and showing the Chapter such loyal support.

In addition to phoning and sending people "What Is the NFB" pamphlets, I spoke to Kiwanis, Rotary, to my church guild, and a men's prayer breakfast. I appeared on talk shows broadcast by both local radio stations. Press releases were sent to twelve area papers, and releases were printed in church newsletters and local club bulletins. My husband Bob's company, Jacksonville Landscape Nursery, will raffle a white pine tree for NFBI.

The Ferris Wheel Chapter is beginning an outreach program to senior blind citizens in the area. Chapter Treasurer David Gentry and his wife, Anna May, are developing this project. They plan to visit seniors in nursing homes and in their own homes. Follow-up information will appear in future issues as the program grows.

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## FUTURE REFLECTIONS

by Barbara Cheadle

(Note: Barbara Cheadle and her husband John live in Boise, Idaho. Although both are sighted, they are dedicated to the movement. Federationism has a high priority in their lives. One reason for this devotion is the fact that they have a blind child and that they realize how important the Federation is in creating a positive future for the blind. Future Reflections (which Barbara edits) began as a publication of the Parents of Blind Children Division of the National Federation of the Blind. It is now published by the National Office of the Federation.)

In July, 1981, at the annual meeting of the NFB Parental Concerns Committee a motion was made and carried to start a newsletter for parents of blind children. Under the leadership of Susan Ford and others the committee was alive with excitement. All kinds of creative ideas and projects were being discussed and proposed. The newsletter was one of them.

Later that summer I—as the new volunteer editor of this venture—pulled out paper and pens, sat down at the kitchen table, and started to put together our first issue. We mailed out 368 copies of a 15-page newsletter that November of 1981. John's parents came to see us the weekend that we were right in the middle of folding, stapling, labeling, and trying to puzzle out the postal regula-

tions for bundling all those papers. We put John's parents to work, too. Before they left, they even "paid" for the privilege of helping. They left us a check as a donation to the National Federation of the Blind. It had taken us all weekend to get the job done.

This month—November, 1984, three years later—we had 7,000 issues of a 32-page magazine (now called Future Reflections) printed for circulation. This time we didn't assemble and label them in my living room. We did that on the dining room table at Frank and Glenda Smith's home. (Frank Smith is the First Vice President of the NFB Parents of Blind Children Division. Glenda handles the mailing list on her home computer. They also have six children, and a big table.) Our NFB Western Chapter President was there to help, too. Between telephone calls, sick kids, and babies with runny noses, we had the issue ready to mail in two days.

From November, 1981, to November, 1984, the circulation of Future Reflections has increased almost 2,000 percent. Originally a project of the NFB Parental Concerns Committee, it is now published (like the Braille Monitor) by our National Office. Currently, we are the largest publication for parents of blind children in the nation. We are also the only magazine for parents of blind children. There are two other national publications for parents of blind children. One is a four-page

quarterly newsletter put out by the International Institute for the Visually Handicapped, 0-7, Inc. This group deals exclusively with pre-school children. We have reprinted articles from this newsletter from time to time in Future Reflections. The other newsletter is published by the National Association of Parents of the Visually Impaired (NAPVI). This is the American Foundation for the Blind parent group. Typically, the content reflects the AFB attitudes about blindness. I have had parents tell me that there is no comparison between Future Reflections and Awareness, the NAPVI newsletter. Future Reflections is read from cover to cover and kept for reference. The NAPVI newsletter gets a glance and is tossed aside.

Remarks about reading Future Reflections from "cover to cover" are common. Some young mothers report locking themselves in the bathroom to read it as soon as the issue arrives. (If you think that seems like a strange thing to do, then you've never been a young mother. The bathroom is the only place I've found where you can get a little privacy when you have small children in the house.)

The comment that best describes most parents' reactions came from a California mother. She said, "This is the first time I have read your newsletter, and I am delighted and excited to know it exists...I found a wealth of information THAT I CAN USE!"

Fathers read Future Reflections, too. "I gain so much from your publication," was the brief—but very much to the point—note from one busy father. Another parent from Hawaii wrote saying, "I am writing to you to ask if you could

send me your magazine, Future Reflections. I saw a copy of your magazine and was really impressed by it. I have a son who is blind. Your magazine really gave me some ideas on how to work with him, how to cope with future problems I may have, and how to deal with Chris as a person. Also, it could be used as a reference to more information I may need. I really feel comfortable with your information." Parents aren't the only ones who read and benefit from Future Reflections. Teachers frequently write requesting subscriptions or expressing their appreciation. One teacher wrote in the spring of 1984 saying, "As a teacher of visually impaired children, I was very impressed with your new publication. Keep up the good work." Another teacher from Georgia wrote, "As an educator, I do appreciate and learn from your publication, Future Reflections. Thanks for a job well done." Other teachers have commented on our "professional" quality.

It's very important that we continue to reach these teachers. Often, the teacher for the visually impaired is the only contact parents have with someone who has any knowledge about blindness at all. Parents and their blind child can become very attached to and dependent upon this teacher. There are obviously problems with that. Even some of the best teachers have little contact with blind adults in general, and even less with the organized blind movement. Needless to say, that seriously limits their understanding of blindness.

Colleges, universities, libraries, pre-school programs, schools for the blind, hospitals, eye clinics, churches, and agencies for the blind are just some of the institutions that subscribe to

Future Reflections Special education professors distribute copies to their students. An ophthalmologist in California keeps copies in his patients' waiting room. Our magazine is distributed and used in college programs for preparation of teachers of the visually impaired. Agencies for the blind, such as the Vision Foundation in Massachusetts, keep multiple copies on hand to distribute in information packets to parents. Future Reflections is quoted and used as a reference by educators, and top educational administrators recommend and praise it to teachers and parents alike. The executive director of the Royer-Greares School for the Blind in Pennsylvania sent us this year a "letter of appreciation...on behalf of the teachers of this school for multi-handicapped blind boys and girls." Other representatives of institutions have expressed similar feelings.

Future Reflections is also becoming known outside the United States. We have a growing number of subscriptions from Canada. A teacher from the Hollywood School, Metro Day Program for the Blind in Canada, called it an "excellent magazine." A teacher with the school for the blind in Gambia, West Africa, says that parents especially respond to the NFB's "approaches to blindness."

We often like to say in the Federation that "it is respectable to be blind." One of the most exciting things about the magazine is that it is helping to make that statement a reality for thousands of blind children. Most of the time we will never know what impact an article or issue will have on any individual parent, child, or teacher. But we do know this: Future Reflections is respected and valued by thousands of

parents and teachers nationally. Since Future Reflections is published by the National Federation of the Blind—by BLIND people—it is only logical and inevitable that these parents and teachers now have more respect for blind people than they had three years ago. And you don't discriminate against, coddle, or treat as inferiors those you respect.

There is another aspect to the influence of Future Reflections that reminds me of the nursery rhyme, "The House that Jack Built." The rhyme links all kinds of events and relationships together. A rat is killed, a cow tramples a dog, a maiden is kissed and wed, and a farmer sows his corn—violence, murder, romance, and re-birth—all because Jack built a house!

Future Reflections did not arise out of a vacuum. Long before the magazine became a reality we had Doris Willoughby demonstrating how Federation philosophy can work in the education of blind children. Susan Ford was an early leader in the formation of the parental concerns committee. She is the current president of the Parents of Blind Children Division and sets an example for other parents with her own down to earth wisdom and savvy about rearing children. Marc Maurer in the Student Division helped demonstrate how dynamic our national divisions and committees can be. The NFB has accumulated over the years a library of literature and information that provides the best, most accurate insights about blindness anywhere in the nation, or world for that matter. And it all goes back to 1940 when Dr. Jacobus tenBroek and blind representatives from seven states met and laid the philosophical and organiza-

tional foundation for our "house"—the NFB.

The philosophical foundations are, of course, the reason we succeed where the American Council of the Blind cannot. We were not the first to attempt to publish a newsletter for parents of blind children. The ACB tried to but their circulation never reached beyond about 300 and finally their newsletter folded. Unlike the NFB, the ACB does not have a unifying goal, philosophy, and purpose. That's why we succeed where they fail.

Just as the success of Future Reflections has been influenced by the work of Federationists in years past, so has the magazine been influencing the growth of the Federation in some rather surprising and unlikely ways. Here's an example.

Shortly after we started publication, I began collecting names and addresses of visually impaired teachers from the various states. (We now have such lists from over two-thirds of the fifty states plus D.C. We would like to get the other one-third also, so write and let us know if you would like to help in that effort.)

One state president was really on the ball and was among the first to get such a list from her department of education. A year later that state president called me and said, "Guess what? Future Reflections just helped us set up a new NFB chapter." She and an organizing team had gone into a new community to organize a chapter but weren't having much success finding blind folks. She did have the name of a teacher of the visually impaired, so she called her. The teacher was ecstatic when she heard that they were with the NFB. "I just

got my latest issue of your magazine for parents of blind children this morning," she said. "I read it from cover to cover. It's a wonderful magazine. Of course, I'll help you." The town soon had a new chapter, and that teacher was one of its charter members.

There are so many possibilities. We can use Future Reflections to educate, to increase membership, to raise funds, to improve job opportunities for the blind, and more. But it can be effective only if WE promote it and use it. Marc Maurer recently used Future Reflections to get a donation for the NFB from a service club. It wasn't hard to do. People are happy to donate their money when they know it is going to be helping blind children right in their own communities. But how many of us have thought to do that? Time and priorities surely have something to do with it, and perhaps simply a lack of knowledge about the effectiveness of Future Reflections—a problem I hope this article will help take care of.

There is an interesting phenomenon about the reactions of sighted members of the public and blind Federationists after they have read their first issue. Both are often surprised. About two years ago a high school journalism teacher (who was going to do some volunteer typing for us) took her first look at an issue and exclaimed, "Hey, this ain't no rag." At first I thought it was because of me. Maybe no one expected a homemaker and mother working out of her own home to be the editor of a first-class publication. But as incident after incident occurred, I wondered if it wasn't something else.

Not long ago a Federationist, who had just read an issue, remarked to my hus-

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band with shock in his voice, "It was really good!" This came just after I had had a talk with a Federation leader who wanted me to speak at a state NFB seminar for parents of blind children. It didn't look as if I could go, and she was worried. She didn't think she knew enough about raising and educating blind children. "Well," I said, "Why do you think I know more than you? I'm the parent of a blind child. Do you think that makes me more qualified than you?"

"Well, no," she said.

"All right," I said. I have completed one half of a college education program for the preparation of teachers of the visually impaired. Does that make me more knowledgeable than you?"

She laughed (she knew what college I

was talking about). "No!" she said.

"You're a mother," I said. "You were a blind child, and even more important, you're a knowledgeable member and leader of the NFB. Where do you think I learned about blindness? From you and from the thousands of other Federationists who have directly or indirectly taught me everything I know. You're the real 'experts' about blindness."

I wonder how many of us still secretly believe that the "professionals" know something that we don't.

Future Reflections is a first-class publication. It's first-class because the National Federation of the Blind is first-class; because blind people are first-class. Let's use it, distribute it, and promote it with pride.

## DARREL NATHER NAMED OUTSTANDING

Anchorage, Alaska  
December 3, 1984

Dear Dr. Jernigan:

Please find enclosed a letter from IRS pertaining to an award given to Mr. Darrel Nather. You might want to put it in the Braille Monitor and your presidential release.

A little background on Darrel.

Darrel joined the NFB in 1977, has held an office in the Alaska affiliate since that time, and is now our First Vice President.

As we all know, Darrel is an active member, having been to every convention

since and including 1979 and numerous times on the line NAC tracking and the March on Washington.

Darrel has been with IRS about twenty years. Having gone blind from diabetes in 1977, Darrel came to NFB for help in retaining his job with IRS. We, of course, helped and guided him through the proper steps and procedures with the assistance of our National Office.

We now have proven that the attitudes of society (IRS) were inappropriate and are changing to the realistic attitudes which I believe (and I'm sure you do, too) were created by our organization and our individual people in our organ-

ization.

The proof is in agencies such as IRS recognizing the ability and potential of our blind brothers and sisters.

Sincerely,  
Sandy Sanderson  
President  
National Federation of the Blind  
of Alaska

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Commissioner of Internal Revenue  
Washington, D.C.  
October 19, 1984

Dear Darrel:

It gives me great pleasure to inform you that you have been selected as one of IRS' Outstanding Handicapped Employees of the Year. This honor is well deserved; your exemplary courage and determination serve as a model for all IRS employees.

You should be especially proud of the fact that you were nominated for this honor by your managers and the Western Region. Your nomination serves as a representative tribute to all of our fine, dedicated employees.

Please accept my personal thanks and congratulations. With kind regards.

#### MINIMUM WAGE IN WASHINGTON:

#### THE OLD BATTLE TAKES A NEW LOOK

(Note: Reprinted from the Winter, 1985, edition of the Blind Washingtonian, the official publication of the National Federation of the Blind of Washington.)

It was 1980 when the NFBW first took to the State Legislature a draft law which made it unlawful for employers to pay subminimum wages solely because the employee was blind. Under pressure from various forces throughout the state, the bill died in the House Labor Committee.

Like proposed NFB of Washington legislation that would repeal the statute giving the blind free fishing licenses, the minimum wage bill proved too sensi-

tive a bill for legislators to handle. Nobody wanted to support a bill that would "take something away" from the handicapped. Although it is not philosophically sound to give token freebies like fishing licenses to blind persons, the solons didn't want to look like "heavies." Therefore, the bill died.

There are two ways to approach any state law, however. If you can't kill it outright, you can make it administratively ineffective by "regulating it to death." That is the tactic now being used by NFB of Washington.

"I have drafted new regulations interpreting and implementing the state law," said NFB of Washington Past President

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Scott Lewis. "President Mackenstadt, Ben Prows, and others will soon petition the Department of Labor and Industries for a hearing on the new regulations and will, if necessary, take the state to court to get a public hearing and implementation of the new regulations."

The proposed regulations make it more difficult for a sheltered shop operator to prove that a worker does not deserve minimum wage or better. Although the regulations don't address blindness specifically, they would stop many of the abuses made possible by the current system.

The proposed regulations would, among other things, require that an employer

must be training a worker for competitive employment in order to qualify for a limited subminimum wage certificate.

"A license to pay less than the minimum wage is a license to steal," Lewis said. "We may not be able to revoke all these licenses, but we can increase the cost of slave labor."

"Currently, the state requires little more than an allegation that a worker's opportunities for employment are curtailed before it grants a subminimum wage certificate. And," Lewis adds, "the state's enforcement officials don't police the sheltered shops enough to track down the abuses."

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## RECIPE

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### SHEILA'S IRISH POTATOE SOUP

by Sheila Samson

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(Note: In the Family Food column by Marcine Silver in the Centerville, Ohio, Times for November 28, 1984, Sheila Samson is featured. The column concluded with Sheila's recipe for Irish Potatoe Soup, which we reprint here. Sheila Samson is President of the Dayton

Federation of the Blind, one of the leaders of the Ohio affiliate, and about as dynamic and active a person as you would want to meet. She lives her Federationism on a daily basis and helps spread the word. Her recipe is a good one. Try it.)

2 heaping tablespoons butter or margarine  
 2 medium-sized onions, very thinly sliced  
 5 medium potatoes, peeled and thinly sliced  
 2 cups milk  
 2 cups water  
 Salt and pepper to taste  
 1 cup light cream (half and half)  
 6 slices of bacon, crisply fried  
 Fresh parsley

Melt butter or margarine in a Dutch oven or large pan. Add the onion and cook gently until transparent but not browned. Add the peeled and thinly sliced potatoes, the milk, water, and seasonings. Cover and cook on a wire trivet until potatoes are tender (about

one-half hour).

Fry or cook the bacon in a microwave oven, until crisp. Wash, tear, or chop the parsley. Set aside.

When potatoes are tender, remove from heat and use a potatoe masher to mash them while still in the pan. The soup should be a porridge-like consistency. Add the cup of light cream and heat through, but do not boil.

Serve the soup with the chopped parsley and crumbled, crisply fried bacon as a garnish, using one slice of bacon for each bowl of soup.

This makes enough to fill five or six large soup bowls. To increase recipe, simply add extra potatoes, adding equal parts of milk and water to cover all ingredients. You might also increase cream and fry enough bacon for several more bowls of soup.

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#### MONITOR MINIATURES \* \* \* \* \*

##### \*\*Chairperson:

Diane McGeorge recently received the following letter from Denver Mayor Federico Pena:

January 2, 1985

Dear Mrs. McGeorge:

As a recently appointed member of the Commission on Disabled, your sincere interest and dedication has provided valuable leadership to the Commission's work. In recognition of your outstanding efforts, I am pleased to appoint you as the first chairperson of

the Commission on Disabled to serve until September 31, 1985.

##### \*\*Optacon For Sale:

We have been asked to run the following announcement:

"For Sale: Optacon, excellent condition, used by a college student. Most reasonable offer accepted. Contact: Lucy Keely, 841 Longhunter Court, Nashville, Tennessee 37217; 615-366-0332."

##### \*\*Distinguished Service Award:

At a luncheon on January 17, 1985, Curtis Chong received a distinguished service award from the Minneapolis Jay-

cees. Curtis Chong is one of the leaders of the NFB of Minnesota and the President of the NFB in Computer Science. He is also a highly respected Senior Technical Support Specialist at IDS/American Express. Increasingly Curtis is becoming recognized as one of the most capable leaders of the organized blind movement.

**\*\*Accident:**

On Saturday, January 12, 1985, Kathleen Sullivan fell on the ice and broke her hip. She had surgery and was hospitalized in La Crosse, Wisconsin, where she is recuperating at the time of this writing. Kathy for many years has been one of the principal leaders of our movement in Wisconsin, but she is known and loved far beyond the borders of the state. Federationists from throughout the country have expressed concern for her speedy recovery and have called to wish her well.

**\*\*Necklaces and Key Chains:**

The NFB of South Dakota asks that we carry the following announcement:

A great opportunity awaits you! The NFB of South Dakota has a limited number of necklaces and key chains for sale. They are an original design by Marshall Mayry done in cloisanae (fired enamel process) style, depicting a desert scene. Many participants of the 1984 NFB convention in Phoenix obtained them at that time. If you did not purchase one, now is your opportunity. We have priced both the necklaces and key chains at \$2.00 each. Send your orders to: NFB of South Dakota, P.O. Box 124, Rapid City, South Dakota 57709.

**\*\*Feel and Read, See and Read:**

Easter greeting cards. Secular only, \$3.50 per box of 14 cards. Add 70 cents for name in print. This new price of combination Braille and print greeting cards will begin January, 1985. Sets of 14—\$3.50. Add 70 cents for name printed on each set. Birthday, Get Well, Sympathy, All Occasion. Orders for 8 cards are discontinued because of high costs in handling and wrapping. Envelopes: Size 6 1/2 by 9 1/2 are 100 for \$4.00. Same size with metal clips are 100 for \$6.00. 100 long white #10 are \$2.25. Post paid. Please include correct payment with order and send to: Harry A. Fribush, 400 Hudson Avenue, Apt. 104, Albany, New York 12203.

**\*\*Free Bible Recordings:**

We have been asked to carry the following announcement:

"The Bible Alliance Mission distributes free cassette tape recordings of the Bible for the blind. Currently offered are the complete New Testament and parts of the Old Testament as well as some Bible studies. The Bible readings are recorded in 28 languages, including English, Spanish, French, and German. The English Bible offered is the King James or the New King James (which is the modern English version). To order your own tapes, please write: Bible Alliance Mission, Inc., 3003 North Blackstone Avenue Suite 1F, Fresno, California 93704."

**\*\*Blind Jurors:**

On November 14, 1984, USA Today carried the following item concerning actions of the United States Supreme Court: "Blind Jurors—Killed a lawsuit by blind California residents previously barred from serving as jurors. Justices

let stand lower court rulings that the suit no longer presents a live controversy because the former state policy has been abandoned. A 1977 suit challenged the exclusion of the blind from jury duty in Los Angeles County. In 1978 a state law permitting the blind to serve took effect. The suit was refiled seeking damages."

**\*\*In Memory:**

We have received the following letter from Lola Pace, President of the NFB of Wichita Falls, Texas:

"I am enclosing a check from our local chapter in memory of one of our most faithful members. The member was Sherrill Morris of Electra, Texas, and the check is for \$35.00. Certainly his memory is worthy of much more, but we are a small chapter and we do what we can. We felt that we wanted to do something that would please him. He was very devoted to the cause.

"Also enclosed is a hand prepared article which was given to each person who attended the funeral. Both my husband, Preston, and I received one and we are keeping one for our local scrap book.

"Our chapter named Mr. Morris 'Outstanding Member of 1983.' While he was in the hospital and later when he went to a nursing home, he had his plaque hanging proudly above his bed. Even after he was unable to speak, it told of our organization."

**\*\*Elected:**

The Philomatheon Society of the Blind is an affiliate of the National Federation of the Blind of Ohio. The following persons have been elected to serve as officers of The Philomatheon Society

of the Blind beginning January 19, 1985: President, Arthur Leading; Vice President, Jerald Dessecker; Secretary, Lavicia Brumbaugh; Assistant Secretary, Elsie Stevens; Treasurer, Virginia Shaffer; and Assistant Treasurer, Dorothy Sanford.

**\*\*Religious Material Available:**

We have been asked to carry the following announcement:

"The Susan Hall Franklin Foundation has a Christian lending library that is offering the entire J. Vernon McGee Study Series, 'Thru the Bible,' on cassettes. To request any portion of the series for 30 days plus an index of other Christian topics available, send to: Susan Hall Franklin Foundation, 13615 Shaker Blvd., Suite 3-B, Cleveland, Ohio 44120."

**\*\*Visualtek Announces Braille Printer:**

Visualtek, a company primarily operating as a manufacturer and distributor of closed circuit television magnifiers and other visual aids, has announced a new Braille printer. They report as follows: The printer embosses Braille on continuous form computer Braille paper at a rate of ten characters per second. The printer will be known as MBOSS-1. It is based on a popular letter quality ink printer and sells for \$3,225.00. For more information contact Visualtek, 1610 26th Street, Santa Monica, California 90404; 213-829-6841, TWX: 910-934-6875.

**\*\*Travels:**

Tom Stevens writes:

"One way to enjoy a vacation is to be busy in NFB activities. In October Helen and I traveled to Pasadena, Cali-

fornia. We have two nieces and two nephews (Trisha, Tawni, Timmy, and Todd) in Arcadia Christian School. I was able to make presentations to Trisha's third grade class, to Timmy's eighth grade class, and to the elementary school assembly. There were probably a total of 260 children, grades 1 - 8, in those three periods. (I also presented to about 200 in one group.) I explained blindness and visual impairment, Braille, and the cane. There were many questions, with much interest. It was a very good experience. The next day Timmy, my brother-in-law Jim Utterback, and I participated in the San Fernando Valley Chapter walk-a-thon. I got all the blisters as we walked ten miles. We raised about \$100 for the chapter. It was a distinct pleasure to meet old friends Nancy Smalley, Jerry Drake, and Donovan Cooper again, as well as enjoying the company and cooking of my brother and sister-in-law, Marge Utterback."

#### \*\*Appointed:

Federationist David Shapiro of Griffin, Georgia, recently received the following letter from Ford B. Ford, Under Secretary of Labor, United States Department of Labor:

November 27, 1984

Dear Mr. Shapiro:

It is my pleasure to invite you to serve another term as a member of the Department's Advisory Committee on Sheltered Workshops. Your new term will end on October 14, 1986.

I value the important contributions you have made while serving on the Committee and look forward to your acceptance of this invitation.

#### \*\*Harvard Business Review and Other Material:

We have been asked to carry the following announcement:

"The Harvard Business Review is now available in the 4 track, 15/16 ips format. It is a bimonthly publication and costs \$5.50 per issue. Also available are various books on tape ranging from the Moosewood Cookbook to On Death and Dying. A list is available in large print or Braille. For information contact the Massachusetts Association for the Blind, 200 Ivy Street, Brookline, Massachusetts 02146; 617-738-5110."

#### \*\*Bible Available in Different Languages:

We have been contacted by the Bible Alliance, Inc., P.O. Box 1549, Bradenton, Florida 33506. They say:

"Bible Alliance, Incorporated is a non-profit, tax exempt organization which provides free of charge to organizations of the blind and legally blind individuals, cassette tapes of the narrated Bible Scriptures.

"Bible Alliance has recorded the Bible (part of the Old Testament and all of the New Testament) on cassette tapes in English, French, German, Italian, Mandarin (Chineese), and Spanish, as well as other languages. In addition to the narrated tapes, we also have recorded a five cassette series of Bible study messages and a complete study of the Book of Romans."

#### \*\*Braille Transcribers:

We have received the following letter from Lois Baskerville, President, Northern Nevada Braille Transcribers, 1015 Oxford Avenue, Sparks, Nevada 89431:

"The Northern Nevada Braille Transcribers, Incorporated, is Nevada's only officially organized volunteer Braille transcribing group. We have been incorporated for 6 months and active as a transcribing group for 4 months. For the second year I have taught a transcribing course to train more transcribers.

"A few of our members are interested in finding used, reasonably priced Perkins Braillers for their personal use in volunteer transcribing. Could you place an announcement to that effect in the Monitor? Any correspondence can be addressed to the above address.

"Also, it is my hope to teach another transcribing course beginning next September. But I need to find several more Perkins Braillers to be loaned to us for this class which runs for 9 months. We have the services of a highly skilled repairman, so the 'loaners' need not be in good working condition when we receive them. If you could publicize this need for us, it will be greatly appreciated."

**\*\*Dies:**

The December, 1984, Observer (the publication of the Montana affiliate) reports the death of long-time Federationist Delos Kelly. He was born in 1912 and died of a massive heart attack November 26, 1984. Kelly held office in the Montana affiliate continuously from 1952 until the summer of 1984. He was active, energetic, dedicated, and perceptive. He will be greatly missed.

**\*\*Triviability:**

Encounter Enterprise Associates, 77 Topsfield Road, Wenham, Massachusetts 01984 (phone 617-468-3836) asks that we

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carry an announcement about the game Triviability.

"The game (Calendar Without Dates) asks and answers a trivia question for every day of the year according to the Julian Calendar. Triviability can be played by one or more people throughout the year. It provides questions and answers on a variety of topics and is referenced to the days of the week and the numbering system of the Julian Calendar, i.e., days 1 to 365. Triviability, Braille Edition, is presently available. Triviability, Large Print Edition, will be available soon. Both of these editions are prepared in magazine format and are identical in content to the standard printed version of Triviability, Calendar Without Dates...They afford the sighted and sightless an opportunity to mutually enjoy the trivia challenge—a trend so popular at this time. The cost of Triviability, Braille Edition, is \$12.00. The estimated cost of the Large Print Edition is less than \$15.00. Triviability, Standard Print Version, is \$19.95. Any two may be purchased simultaneously for \$25.00. All three may be purchased for \$36.00. All items are available directly from EEA. Reduced prices are offered for quantity orders."

**\*\*Elected:**

The Columbia Chapter of the Missouri affiliate held election of its officers recently. Chosen were: President, Bill Neal; Vice President, Don Branch; Secretary, Tom Stevens; Treasurer, Clete Hentges; Student Representative, Patty Stift; and Board Member, June Homan. Other responsibilities include: Legislation, Tom Stevens; Ways and Means, Gary Wunder; Historian, June Homan;

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Membership, Mary Lou Hentges; and Publicity, Mary Lou Hentges.

**\*\*Wine and Cheese Tasting:**

Cheryl Finley, for many years the vivacious coordinator of the wine and cheese tasting party held annually at the national convention by the Cultural Exchange and International Program Committee, writes as follows:

Come one! Come all! Everyone is invited to help the C.E.I.P. Committee again open national convention and help raise money by coming to our festive wine and cheese tasting party. Don't let your dislike of wine be a deterrent. We will have both regular and diet soda pop for those who do not enjoy the pleasures of wine tasting. Four dollars will purchase you one ticket, and this will allow you a chance to taste three glasses of wine with several slices of cheese and several packages of crackers. The wine will include both domestic and imported selections. You can purchase a ticket from any C.E.I.P. Committee member before coming to national convention, by being in the registration area on Sunday morning, or just by coming to the party itself and buying a ticket at the door. This gala event will be held at the beginning of the National Federation of the Blind convention in Louisville, Kentucky, from 3:30 to 7:30 Sunday afternoon, June 30, 1985. If you want more information contact: Cheryl Finley, NTSU, NT Box 6099, Denton, Texas 76203; telephone 817-565-5889. Like man, if you ain't been to a C.E.I.P. wine and cheese tasting, you ain't lived or floated. You ain't gourmandized either, and maybe not even gourmeted.

**\*\*To Help Them Publicize:**

The January 9, 1985 issue of Fund Raising Management Weekly says in part:

"Former National Charities Information Bureau president M.C. Van de Workeen forms fund raising counseling firm, Philanthropy Counselors, Inc. (488 Madison Avenue, 15th Floor, New York, NY 10022-212-751-4481) will provide wide range of services to grantmakers, recipients of funds in public, private sectors. Van de Workeen will head board of counselors which includes: ...Richard Bleecker, former exec. director of National Accreditation Council for Agencies Serving the Blind and Visually Handicapped...Among other services being planned is periodic seminars and workshops nationwide. Van de Workeen, who headed Bureau for some 18 years, left following disagreement with board over direction of agency and standards' setting."

**\*\*Correct That Zip:**

There must be something about Kentucky or Kentuckians, for we seem to be eternally getting their addresses wrong. In the January, 1985, issue of this magazine we carried an article called "Name That Thing," and in that article we gave the wrong zip code for Dr. T.V. Cranmer. Here is the correct zip (or at least we think it is the correct one)—40601.

**\*\*Dies:**

Mrs. Alice McConnell, a leader in our North Carolina affiliate, died in her sleep Sunday, January 27. At the time of her death Mrs. McConnell was secretary of the Skyline Chapter, NFB of North Carolina, in Asheville. In addition to her leadership role in the Fed-

eration, Mrs. McConnell was known to many Federationists as the mother of Don McConnell, editor of the Braille Monitor from January, 1977, to May, 1979.

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